

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, SEPTEMBER 14, 1999  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Golding at 2:12 p.m. with Council Members Warden and Vargas not present. The meeting was recessed by Mayor Golding at 3:47 p.m. to convene the Redevelopment Agency and the Housing Authority. Mayor Golding convened the Special Joint Council Meeting with the Redevelopment Agency at 4:16 p.m. The regular meeting was reconvened by Mayor Golding at 4:18 p.m. with all Councilmembers present. Mayor Golding adjourned the meeting at 6:44 p.m.

**ATTENDANCE DURING THE MEETING:**

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (lw)

**FILE LOCATION: MINUTES**

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor James Robins of San Diego Maranatha Seventh-Day Adventist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding Y2K and China. He stated that the date of December 31, 1999, is the date that will cause problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A053-079.)



**PUBLIC COMMENT-2:**

Comment by Rich Pearson thanking Council for approving the settlement. Unfortunately, he said the City Attorney refused to give a statute of limitations which would allow him to finish this settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-094.)

**PUBLIC COMMENT-3:**

Comment by Norma Milnes regarding De Anza Cove. She stated the residents were lead to believe certain things, when in fact, other things happened. Ms. Milnes stated that she loved San Diego, but has nowhere else to go.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A095-104.)

**PUBLIC COMMENT-4:**

Ms. Bettye Brown wanted everyone to know that September 15, 1999, is National Vision Rehabilitation Day and stated that on behalf of everyone that is vision impaired, this was an awareness notice.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A105-111.)

**PUBLIC COMMENT-5:**

James Lambert stated that before each Councilmember and the Mayor was a copy of a letter which had been sent to them earlier this year and was signed by close to a hundred leaders from the faith community in San Diego. He stated it impresses their appeal to protect children and families from pornography within the frame work of the constitution.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A112-136.)

**PUBLIC COMMENT-6:**

Mr. William E. Claycomb commented on gasoline prices, fuel, and silicone cells. He stated there has been enough talk in Sacramento and now they are ready for action. He wanted to know what happened to those vehicles that Supervisor Roberts stated were being operated in Sacramento.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A137-162.)

**PUBLIC COMMENT-7:**

Audrie Krause commented on the increasing milk prices. She stated the whole-sale price is set to rise 41 cents a gallon, which will in turn be passed on to the consumers. She said this is really bad for San Diego, since we already pay the highest prices in California.

Council Member Kehoe stated that the Council should go on record to support state legislation that would relieve these arbitrary price increases placed by the Department of Agriculture.

Mayor Golding stated she had initially had it docketed and the legislation it was docketed for was killed. She said she would docket it again since there is new legislation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A163-187.)

**PUBLIC COMMENT-8: REFERRED TO MAYOR GOLDING**

Steven L. Smith stated he was back to request Council to take a look at the fact finding he originally requested in the spring of 1996. He left a package for Mayor Golding to review which contained documents relating to the mission statement and a memorandum by Jack McGrory. Mayor Golding stated she would handle this personally.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A208-239.)

**PUBLIC COMMENT-9: REFERRED TO CITY MANAGER**

Artie Curtis Ussery complained about the drug activity in and around the restrooms on the corner of Third and "C" Streets downtown. He stated people are afraid to use them because of this activity and requested Council's help.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A240-266.)

**PUBLIC COMMENT-10:**

Comment by Daniel Beeman regarding the City Attorney and ethics. He stated he was interested in seeing an ethics committee formed to keep the City Attorney accountable.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A280-308.)

**PUBLIC COMMENT-11:**

Comment by Sydney Ethridge regarding the use of deadly force. He requested that the policy from the San Diego Police Department regarding the use of deadly force be reviewed.

Mayor Golding stated that all of those policies need to be reviewed periodically and that one in particular. Deputy Mayor Wear also suggested that when the investigation is completed that Council review the policy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A309-330.)

**PUBLIC COMMENT-12:**

Christian Ramirez commented on human rights violations. He stated he was displeased with the action taken by Council in constructing a substation on the corner of 12th and Imperial.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A361-393.)

**PUBLIC COMMENT-13:**

Comment by Anita Wucinic-Turner regarding equal rights for citizens. She stated there are a group of officers who target hispanic men and men of color.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A394-428.)

**PUBLIC COMMENT-14:**

Ronald Rush also commented on the use of deadly force by San Diego police officers. He stated his son had been killed by a police officer and the issue still has not been resolved. He said he loves San Diego, but he cannot stand by and watch the use of deadly force being used on people today.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A429-467.)

**PUBLIC COMMENT-15:**

Ruba Fakhoury commented on domestic and international violence and its affect on the community. She requested Council to address the problem of social injustice in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A468-490.)

**PUBLIC COMMENT-16:**

Comment by D.M. Ibrahim regarding justice for all. He stated that at least 119 people have been killed by San Diego police officers and stated he was a victim several years ago.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A491-504.)

**PUBLIC COMMENT-17:**

Carol Panagos-Morris commented on police brutality. She stated that over the past nine years, that all the killings she is aware of have been justified by the District Attorney's Office. She said we are turning into a police state.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A505-537.)

**PUBLIC COMMENT-18:**

Barbara MacKenzie commented on civil rights issue of profiling. She stated that profiling has hit the black community, the brown community, and the gay and lesbian community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A538-570.)

**PUBLIC COMMENT-19: REFERRED TO CITY MANAGER**

James Justus commented on Census 2000. He stated that California was short-changed by \$2.2 billion in Federal money after the census was taken in 1990. He requested Council set up a task force to ensure we are properly counted this year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A571-587.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Council Member Vargas commented on his concern's regarding the deadly force used by police officers. He said he did not agree with the comments made by some individuals regarding our police officers targeting people of color. Council Member Vargas stated he works closely with the police department in his District and said they are very professional, involved in the community, and are a tremendous asset. He said he is very proud of our police officers.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B031-041.)

COUNCIL COMMENT-2:

Council Member Stevens also commented on the police department. He stated that there is a study already in progress and will validate whether or not there are officers targeting people of color. He said some police officers have contended that they do stop people of color more than others. Council Member Stevens stated that profiling is a reality and we will soon find out whether it is happening in San Diego. He did state that the San Diego Police Department has lead the nation in this effort which is now a Federal requirement.

Mayor Golding stated that with anything like this, it is important to make sure that the justice process is allowed to take place and facts are allowed to come forward. She said that the District Attorney and Police Review Board will investigate. No one on the Council has the facts, stated the Mayor. She said we are proud of our police department and does not think profiling exists here. She stated we are proud of our leaders, too.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B042-064.)

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

7/19/99

7/20/99

7/26/99

7/27/99

8/02/99

8/02/99 Special

8/02/99 Special Joint  
8/03/99  
8/09/99 Adjourned  
8/10/99 Adjourned  
8/16/99 Adjourned  
8/17/99 Adjourned  
8/23/99 Adjourned  
8/24/99 Adjourned  
8/30/99 Adjourned  
8/31/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B065-068.)

MOTION BY WARDEN TO APPROVE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: Science Applications International Corporation (SAIC) Day.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-226) ADOPTED AS RESOLUTION R-292110

Recognizing the Science Applications International Corporation (SAIC) for thirty years of outstanding corporate leadership in San Diego and proclaiming September 14, 1999 as "Science Applications International Corporation Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B074-160: B347-C168)



CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: Operation Lifesaver Day.

**DEPUTY MAYOR WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-268) ADOPTED AS RESOLUTION R-292111

Proclaiming Saturday, September 18, 1999, to be "Operation Lifesaver Day" in San Diego, in recognition of the outstanding efforts to educate the public through outreach programs and increase awareness at railroad crossings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B161-194; B347-C168.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: USA Swimming Outreach Day.

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-225) ADOPTED AS RESOLUTION R-292112

Recognizing and commending the USA Swimming Outreach program for their service and dedication in reaching the underrepresented members of our community and proclaiming September 14, 1999, as "USA Swimming Outreach Day" in San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: B195-263; B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34:     Code Enforcement Week.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-1) ADOPTED AS RESOLUTION R-292113

Recognizing the accomplishments and proactive involvement of all code enforcement personnel, volunteers and community groups;

Proclaiming the week of September 20 through 25, 1999 to be "Code Enforcement Week" in San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: B270-339; B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-50: Mid-City Communities Planned District Amendment.

(Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area Community Planning Areas. Districts-3, 4, and 7.)

**NOTE:** The public testimony portion of the hearing is closed.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/27/99. (Council voted 9-0):

(O-99-139) ADOPTED AS ORDINANCE O-18672 (New Series)

Amending Chapter X, Article 3, Division 15, of the San Diego Municipal Code by amending Section 103.1504 relating to the Mid-City Communities Planned District to Restrict Residential Development in the Mid-City Communities.

**FILE LOCATION:** LAND - Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area (10)

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-51: Zoning Code Revisions, Section 141.1004, Mining and Extractive Industries.

**NOTE:** The public testimony portion of the hearing is closed.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 8/3/99. (Council voted 7-0. Councilmember McCarty and Mayor Golding not present):

Subitem-A: (O-99-131 Cor. Copy) ADOPTED BY ORDINANCE O-18673  
(New Series)

Amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0511, relating to the California Surface Mining and Reclamation Act of 1975.

Subitem-B: (O-99-137 Cor. Copy) ADOPTED BY ORDINANCE O-18674 (New Series)

Amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103, relating to Land Development Terms; and amending Chapter 14, Article 1, Division 10, of the San Diego Municipal Code by amending Section 141.1004, relating to the California Surface Mining and Reclamation Act of 1975.

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-52: Two actions related to Amendment to the San Diego Municipal Code and Amendment to Land Development Ordinance to Permit Directional Signs in the Public Right-Of-Way to Major Traffic Destination Points and Parking Facilities in Centre City.

(Centre City Community Area. Districts-2, 3, and 8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 8/3/99. (Council voted 8-0. Councilmember McCarty not present):

Subitem-A: (O-99-133 Cor. Copy 11/12/99) ADOPTED BY ORDINANCE  
O-18675 (New Series)

Amending Chapter X, Article 4, of the San Diego Municipal Code by adding a New Division 7 titled Centre City Sign Control District and by adding Sections

104.0701 through 104.0706 relating to Directional Sign age on public property and in public rights-of-way in the Centre City Community Planning Area.

Subitem-B: (O-2000-3 Cor. Copy)      ADOPTED BY ORDINANCE O-18676  
(New Series)

Amending Chapter 14, Article 2, Division 12, of the Land Development Code by adding Section 142.1292 relating to Directional Sign age on public property and in public rights-of-way in the Centre City Community Planning Area.

FILE LOCATION:                      Subitems A & B: MEET

COUNCIL ACTION:                      (Tape location: G170-205.)

MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES IN ITEMS -52 AND -55 AND ADOPT THE RESOLUTION IN ITEM-121. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-yea.

\* ITEM-53: Nobel Research Park.

Matter of a Redone, Vesting Tentative Map (99-0034), Planned Industrial Development and Resource Protection Ordinance Permit within the University Community Plan area.

(RZ/VTM/PID/RPO-99-0034. District-1.)

NOTE: The public testimony portion of the hearing is closed.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/3/99. (Council voted 8-0. Councilmember McCarty not present):

(O-2000-7) ADOPTED BY ORDINANCE O-18677 (New Series)

Rezoning 42.61 acres located south of La Jolla Village Drive, west of Interstate 805, north of the proposed extension of Nobel Drive, and east of Toscana Drive,

in the University Community Plan area, from the R-1-5 zone to the SR zone.

FILE LOCATION: PERM - 99-0034 (65)

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-54: Torrey Brooke.

Matter of a Redone, Planned Residential Development Permit, Resource Protection Ordinance Permit, a Tentative Map TM-98-1189, and a Street Vacation within the Torrey Highlands Subarea IV Plan Area of the North City Future Urbanizing Area.

(RZ/PRD/RPO/TM/SA-98-1189. District-1.)

NOTE: The public testimony portion of the hearing is closed.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/3/99. (Council voted 8-0. Councilmember McCarty not present):

(O-2000-16) ADOPTED BY ORDINANCE O-18678 (New Series)

Rezoning 3.90 acres located on the north side of Adobe Bluffs Drive west of La Trucha Street, in the Torrey Highlands Community area, from the A1-10 (Agricultural) zone to the R1-6000 (Single-family residential) zone.

FILE LOCATION: PERM - 98-1189 (65)

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-55: Office Space Lease Amendment - City Attorney's Office.

(Centre City Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/2/99. (Council voted 8-0. Councilmember McCarty not present):

(O-2000-6) ADOPTED BY ORDINANCE O-18679 (New Series)

Authorizing the City Manager to execute a third lease amendment to the master lease with Pacific Southwest Realty Company for leasing additional square feet in the Civic Center Plaza Building.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** LEAS - Pacific Southwest Realty Company

**COUNCIL ACTION:** (Tape location: G170-205)

MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES IN ITEMS -52 AND -55 AND ADOPT THE RESOLUTION IN ITEM-121. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-yea.

- \* ITEM-56: Two actions related to Surety Substitution for Series 1996A and 1996B Certificates of Participation (Balboa Park and Mission Bay Park CIP).

(Districts-2 and 3.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 7/26/99.  
(Council voted 9-0):

Subitem-A: (O-2000-13) ADOPTED AS ORDINANCE O-18680 (New Series)

Approving the forms of and authorizing the execution and delivery of a supplemental trust agreement, an amendment No. 1 to site and facilities lease, an amendment No. 1 to facilities lease, and a surety agreement for the Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1996A, and approving other actions.

Subitem-B: (O-2000-14 Cor. Copy) ADOPTED AS ORDINANCE O-18681 (New Series)

Approving the forms of and authorizing the execution and delivery of a supplemental trust agreement, an amendment No. 1 to site and facilities lease, an amendment No. 1 to facilities lease, and a surety agreement for the Refunding Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program, Series 1991) Series 1996B, and approving other actions.

**NOTE:** 6 votes required for Subitems A and B pursuant to Section 99 of the City Charter.

**FILE LOCATION:** Subitems A & B: MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



\* ITEM-57: Transfer of Non-Exclusive Solid Waste Collection Franchises.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/26/99. (Council voted 9-0):

(O-2000-12) ADOPTED AS ORDINANCE O-18682 (New Series)

Approving the transfer of Non-Exclusive Solid Waste Facility franchises from Coast Waste Management, Inc., Falcon Disposal Services, (BDC Special Waste Services) Inc., USA Waste of California, Inc., the "Old" Waste Management, Inc., Reliable Waste, Inc., and Moor Refuse, Inc., to Waste Management, Inc.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-58: Non-Exclusive Solid Waste Collection Franchise Agreements Term Extensions.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/26/99. (Council voted 9-0):

(O-2000-11) ADOPTED AS ORDINANCE O-18683 (New Series)

Extending the terms of the Non-Exclusive Solid Waste Facility Franchise Agreements of Allan Company, BDC Special Waste, Coast Waste Management, Debris Box, Dependable Disposal, Moor Refuse, Pacific Waste, Reliable Waste,

USA Waste, Ware Disposal, Waste Management, and authorizing the City Manager to execute new franchise agreements with said franchises; and extending the term of dominion disposal.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-59: Parking Meters on Adams Avenue.

(Greater North Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-18) INTRODUCED, TO BE ADOPTED SEPTEMBER 27, 1999

Introduction of an ordinance removing the parking meters from the south side of the 2700 block of Adams Avenue between Oregon Street and the alley to the east.

**NOTE:** 6 votes required.

**CITY MANAGER SUPPORTING INFORMATION:**

This action removes the parking meters on the south side of the 2700 block of Adams Avenue between Oregon Street and the alley to the east. Council approval is required, according to the Municipal Code, Section 86.11. A petition representing both of the affected properties was submitted in support of this action. The Greater North Park Planning Committee supports this action.

**FISCAL IMPACT:**

Annual loss of \$3,080.40 in parking meter revenue.

Loveland/Gonzalez/AH

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100: Three actions related to the Final Subdivision Map of Halifax Estates.

(This is a 32-lot subdivision. Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-246) CONTINUED TO SEPTEMBER 27, 1999

Authorizing the execution of a Subdivision Improvement Agreement with Pacific Allied Group, LLC, for the installation and completion of public improvements.

Subitem-B: (R-2000-245) CONTINUED TO SEPTEMBER 27, 1999

Approving the final map.

Subitem-C: (R-2000-247) CONTINUED TO SEPTEMBER 27, 1999

Authorizing a Landscape Maintenance Agreement with Pacific Allied Group, LLC, for the installation and completion of public improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 5.623 acre site into 32 lots, including 25 lots for residential development. It is located east of Halifax Street and north of Greenbrier Avenue in the Navajo Community Plan area. On August 10, 1993 the Council of the City of San Diego approved Tentative Map Resolution R-282513 for Halifax Estates. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. City Council is required to give final approval of all final maps and agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28865-1-D through 28865-12-D, filed in the Office of the City Clerk under Micro Number 139.80. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$856,621 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$5,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

<b><u>FILE LOCATION:</u></b>	Subitems A, B, & C: SUBD - Halifax Estates (65)
<b><u>COUNCIL ACTION:</u></b>	(Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO CONTINUE TO SEPTEMBER 27, 1999, AT THE REQUEST OF COUNCIL MEMBER McCARTY TO MAKE SURE ALL 55 CONDITIONS ON THE PROPERTY ARE ADHERED TO. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101: Two actions related to the Final Subdivision Map of Village at Euclid.

(This is a 23-lot subdivision. Lincoln Park Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-161) ADOPTED AS RESOLUTION R-292114

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Carter Reese No. 4LLC, for the installation and completion of public improvements.

Subitem-B: (R-2000-160) ADOPTED AS RESOLUTION R-292115

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 5.367 acre site into 23 lots for residential development. It is located west of Euclid Avenue and south of Ocean View Boulevard in the Lincoln Park Community Plan area. On July 23, 1998, the Planning Commission of the City of San Diego approved Tentative Map/Southeastern San Diego Development Permit/Variance No. 96-7689 for The Village at Euclid Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29496-1-D through 29496-21-D, filed in the Office of the City Clerk under Micro Number 140.08. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$626,000 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$6,250, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City

Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that they subscribe to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: Subitems A & B: SUBD - The Village at Euclid (40)

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102: Approving the Final Subdivision Map of Phoenix 1.

(This is a 1-lot subdivision. Greater North Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-236) ADOPTED AS RESOLUTION R-292116

Approving the Final Subdivision Map of Phoenix 1, being a subdivision of Lots 15 and 16 in Block 146 of University Heights.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 0.160 acre site into one lot for a condominium project. It is located east of Mississippi Street and north of Polk Avenue in the Greater North Park Community Plan area. On December 17, 1998, the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2744-PC for Phoenix 1 Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements and monuments required for this subdivision are existing, therefore there are no drawings submitted for this project. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that they subscribe to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

**FILE LOCATION:** SUBD - Phoenix I - Final Map (40)

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- \* ITEM-103: Excusing Deputy Mayor Byron Wear from the Rules Committee Meeting of 8/2/99 and the Land Use & Housing Committee Meeting of 8/4/99.

**DEPUTY MAYOR WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-189) ADOPTED AS RESOLUTION R-292117

Excusing Deputy Mayor Wear from attending the Rules, Finance and Intergovernmental Relations meeting of August 2, 1999, due to an emergency medical procedure and from the Land Use & Housing Committee meeting of August 4, 1999, due to travel to US Lifesaving Championships.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- \* ITEM-104: Excusing Councilmember Judy McCarty from attending the regularly scheduled City Council Meetings of 8/2/99 and 8/3/99 as well as Natural Resources and Culture Committee, and Land Use and Housing Committee Meetings of 8/4/99.

**COUNCILMEMBER McCARTY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-165) ADOPTED AS RESOLUTION R-292118

Excusing Councilmember Judy McCarty from attending the following meetings, due to a family reunion:

1. The regularly scheduled City Council meetings of August 2 and 3, 1999.



2. The regularly scheduled Natural Resources and Culture Committee, and Land Use and Housing Committee meetings of August 4, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105: Ocean Beach Main Street Association Day.

**DEPUTY MAYOR WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-194) ADOPTED AS RESOLUTION R-292119

Proclaiming August 28, 1999 to be "Ocean Beach Main Street Association Day" in San Diego, in recognition of the men and women who have given so much of their time and energy in promoting the goals of the Ocean Beach Main Street Association.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106: San Diego Surfrider Foundation Day.

**DEPUTY MAYOR WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-177) ADOPTED AS RESOLUTION R-292120

Proclaiming Saturday, August 28, 1999 to be "San Diego Surfrider Foundation Day" in San Diego, in recognition of the men and women who have given so much of their time and energy for the Surfrider Foundation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107: Street Scene Week.

**DEPUTY MAYOR WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-269) ADOPTED AS RESOLUTION R-292121

Proclaiming the week of September 6 through 12, 1999 to be "Street Scene Week" in San Diego, in recognition of Bob Hagey's efforts and an event that has come to be known as an international festival without borders.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108: Project Open Mind Day.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-255) ADOPTED AS RESOLUTION R-292122

Recognizing PFLAG, for their contributions for initiating Project Open Mind, and proclaiming September 14, 1999, as "Project Open Mind Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109: Greater San Diego Business Association Day.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-256) ADOPTED AS RESOLUTION R-292123

Recognizing the outstanding contributions the Greater San Diego Business Association and its member businesses have made through the years to the gay and lesbian and business communities throughout the San Diego region, and proclaiming in honor of their 20th anniversary, September 23, 1999, as "Greater San Diego Business Association Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110: Salem Baptist Church Day.

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-193) ADOPTED AS RESOLUTION R-292124

Commending the Salem Baptist Church for thirty-four years of service and dedication to the City of San Diego;

Proclaiming August 22, 1999 to be "Salem Baptist Church Day" in San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111: Rev. Robert Clarence Ard Day.

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-176) ADOPTED AS RESOLUTION R-292125

Commending Rev. Ard for his 25 years of service as Pastor at Christ Church of San Diego;

Proclaiming September 2, 1999 to be "Rev. Robert Clarence Ard Day" in San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112: The California Teratogen Information Service Birth Defects Prevention Week.

**COUNCILMEMBER VARGAS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-220) ADOPTED AS RESOLUTION R-292126

Recognizing the California Teratogen Information Service Department of Pediatrics at UCSD, for their contributions to the communities within San Diego, and proclaiming the week of September 19 through 25, 1999, as "The California Teratogen Information Service Birth Defects Prevention Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113: Joint Use Agreement with the State Department of Transportation (CalTrans).

(Sabre Springs Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-150) ADOPTED AS RESOLUTION R-292127

Authorizing the execution of a Joint Use Agreement with the State of California (CalTrans), to relocate a sewer line and two manholes in the vicinity of State Route 56 and Interstate 15.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1985, CalTrans performed freeway ramp improvements in the vicinity of the Interstate 15/State Route 56/Ted Williams Parkway interchange. During these improvements, a City-owned sewer easement and two manholes were relocated. This Joint Use Agreement will allow both the City and the State access to the new easement.

**FISCAL IMPACT:**

None with this action.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114: Permit Agreement with Pacific Bell.

(Miramar Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-190) ADOPTED AS RESOLUTION R-292128

Authorizing the City Manager to execute a 10-year permit agreement with Pacific Bell, for underground telephone cable in City-owned portions of Pueblo Lots 1318 and 1319 located on the east side of Interstate 805 between Eastgate Mall and Carroll Canyon Road, at an initial annual permit fee of \$1,425.

**CITY MANAGER SUPPORTING INFORMATION:**

Since 1980 Pacific Bell has had a permit from the City for underground telephone cables along the east side of Interstate 805 between Eastgate Mall and Carroll Canyon Road. The permit has expired and is on holdover at an annual rental of \$1,700. The underground cables serve private customers of Pacific Bell and run along the westerly edge of City-owned Pueblo Lands under the jurisdiction of the Metropolitan Wastewater Department. Pacific Bell requests a new permit with a 10-year term. A city staff appraisal dated March 5, 1999, determined the current rental value of the permit rights to be \$1,425 per year. The annual permit fee is less than before because, even though the land value has risen substantially since 1980, the width of the permitted strip of land is being reduced from 35 feet to 10 feet. The existing permit covered a needlessly large area of 1.52 acres, which is being reduced to 0.44 acre in the new permit. The \$1,425 fee for the first year will be adjusted annually by the Consumer Price Index. The Metropolitan Wastewater Department has no objection to the proposed permit.

**FISCAL IMPACT:**

\$1,425 or more per year will be deposited into the Metro Wastewater Fund 41508.

Culbreth-Graft/Griffith/PTC

FILE LOCATION: FRAN - Pacific Bell (08)

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-115: Cost Sharing Agreements with the State Department of Water Resources (DWR) for Water Recycling Projects.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-228) ADOPTED AS RESOLUTION R-292129

Authorizing the execution of a Cost Sharing DWR Agreement No. B81956 with the State Department of Water Resources (DWR), to receive funds from the agency for Water Recycling Projects in the amount of \$160,000.

**CITY MANAGER SUPPORTING INFORMATION:**

Proposition 204, the Safe, Clean, Reliable Water Supply Act of 1996 was enacted by the citizens of California to ensure that the limited water resources of the state be protected from pollution and conserved and recycled whenever economically, environmentally and technically feasible. Chapter 6, Article 2 of Proposition 204 provides funds to the California Department of Water Resources (DWR) for feasibility investigations for regional water recycling programs that include partnerships and cooperative efforts among various agencies. On March 31, 1999, the Natural Resources and Culture Committee received a presentation on the South Bay Business Plan (SBBP) (City Manager Report 99-56) and voted unanimously to accept the report. The goal of the first phase of the SBBP was to identify markets for the South Bay Water Reclamation Plant (SBWRP) and develop a strategy to wholesale market this commodity. The potential



market in the area was identified at 25 mgd. A significant market also exists across the border in Mexico. The DWR is prepared to enter into a cost sharing agreement with the City of San Diego for Phase 2 work, including evaluating alternatives for transborder use of reclaimed water for agriculture, industry, groundwater recharge, and habitat restoration. Tasks cost shared by the DWR include identifying markets and supplies of reclaimed water, analyzing public policy issues surrounding use of recycled water, developing system alternatives, developing evaluation methodologies, developing alternative methods of regulatory compliance, instituting a public outreach program, and preparing an implementation plan.

**FISCAL IMPACT:**

Receipt of \$160,000 in DWR funds via Agreement No. B81956. Revenues will be received into the Water Fund 41500, Revenue Account No. 7641 0.

Loveland/Gardner/PG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-116: Agreement with the Old Mission Beach Athletic Club for Use of the Qualcomm Stadium Practice Field.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-242) ADOPTED AS RESOLUTION R-292130

Authorizing a Partial Use and Occupancy Agreement with the Old Mission Beach Athletic Club, to utilize the practice field at Qualcomm Stadium for rugby games and practices.

**CITY MANAGER SUPPORTING INFORMATION:**

The Old Mission Beach Athletic Club (OMBAC) would like to utilize and rent the Qualcomm Stadium practice field for conducting rugby games and practices. The practice field is currently being used as an overflow parking facility, occasional practice facility for visiting teams, and tailgate parties. In order to use the practice field for rugby, it would be necessary to remove part of the existing artificial surface and replace with natural grass. OMBAC is willing to assume this expense which is estimated at \$69,000 and also plans to purchase moveable bleachers. These improvements will be available for use by the Stadium and will make the practice field more marketable. Therefore, the City Manager feels it will be beneficial to enter into an agreement with OMBAC on the use of the field. It is proposed that a partial use and occupancy agreement be entered into with OMBAC for their use of the practice field from October 1, 1999 through August 1, 2004. Beginning in January 1, 2001, OMBAC would pay the City a rental fee of \$10,000 per year which would be adjusted each year thereafter for increases in the Consumer Price Index. The Stadium will only be responsible for the current normal maintenance of the field, i.e., watering, mowing and fertilizing, and OMBAC will be responsible for all other expenses related to their use. The Stadium will retain all rights to rent the practice field to other organizations and continue to use it as an overflow parking area. This agreement will provide new income to the Stadium plus make the practice field more attractive for renting to other organizations. Therefore, it is recommended that the City enter into the agreement. The Qualcomm Stadium Advisory Board at their August 5, 1999 meeting unanimously recommended approval.

**FISCAL IMPACT:**

A minimum increase in revenue of \$10,000/year.

Herring/Wilson/SMS

**FILE LOCATION:** LEAS - Old Mission Beach Athletic Club

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117: Bayshore Trunk Sewer Rehabilitation - Right of Entry License Agreement.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-154) ADOPTED AS RESOLUTION R-292131

Authorizing a Right of Entry License Agreement with the Port of San Diego for the construction of CIP-46-203.0, Bayshore Trunk Sewer Rehabilitation Project, which requires the City to defend and indemnify the Port of San Diego against public liability and property damage as it relates to any accidents or occurrence in connection with the use, operation condition or possession of the property or any portion of the property for the duration of the Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The purpose of the Right of Entry License Agreement with the Port of San Diego is for the City to provide the Port with a certificate of insurance against public liability and property damage insurance for the duration of this agreement in the amount of not less than two million dollars (\$2,000,000) combined single limit. For the first million dollars (\$1,000,000), the City is self insured. Currently the City has such an excess policy for the second million (\$1,000,000) with California Supervisors Association of Counties (Excess Insurance Authority). The City must issue a certificate of insurance in a form acceptable to the Port evidencing the necessary insurance policies, or a self insurance program, prior to entry on the property located in the La Playa Cove area of the Port District tidelands for the construction and repair of sewer pipeline for the Bayshore Trunk Sewer Rehabilitation. Once the City has a contractor on board, the contractor will provide a primary Liability Insurance Policy covering the City, the Port and themselves. The contractor's Liability Insurance will then subordinate the City's one million dollar (\$1,000,000) self insurance retention, and California Supervisors Association of Counties Excess Policy back to a secondary position. This agreement shall become effective upon approval and shall terminate on June 30, 2000, or upon completion of the work, whichever occurs first. The condition of the existing pipeline installed in 1941 has severely deteriorated. The project involves the rehabilitation of 3,746 feet of existing 18-inch clay sewer mains. This project is located within the Peninsula Community and the following streets will be affected: San Antonio Avenue north of the Naval Reserve to Rogers Street; Talbot; Anchorage Lane; and Shafter from Upshur to Carleton.

**FISCAL IMPACT:**

No funding impact with this action.

Loveland/Belock/AO

WWF-99-406.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-118: Agreement with the State Board of Control, Revenue Recovery and Compliance Branch, State of California.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-155) ADOPTED AS RESOLUTION R-292132

Authorizing the City Attorney to execute an agreement with the State of California Board of Control for the purpose of working with the City Criminal Justice system to ensure restitution of fines and orders are properly administered with applicable statutes.

**SUPPORTING INFORMATION:**

The City Attorney has been notified by the State Board of Control that the City has been awarded a grant in an amount not to exceed \$55,962 to hire a Legal Assistant to perform the duties outlined in the attached City Attorney Contract. This grant is for the period June 1, 1999 through June 30, 2000 and is a continuation of a grant authorized and accepted by the City Council on January 12, 1998 by Resolution No. R-289631.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-119: Commercial Vehicle Prohibition on Princess Street and Spindrift Drive.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-167) ADOPTED AS RESOLUTION R-292133

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Princess Street and Spindrift Drive between Torrey Pines Road and Paseo Dorado;

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action prohibits commercial vehicles with a rated capacity of five tons or more from using Princess Street and Spindrift Drive between Torrey Pines Road and Paseo Dorado. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected street are exempt from this provision. Alternate routes for commercial vehicles include Torrey Pines Road and La Jolla Shores Drive. Council approval is required, according to Vehicle Code, Section 35701. A petition from 30 of 33 properties representing 91 percent of the affected frontage was submitted in support of this action. The La Jolla Community Planning Association supports this action.

**FISCAL IMPACT:**

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-120: Time Limit Parking on La Jolla Boulevard.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-166 REV,) ADOPTED AS AMENDED AS RESOLUTION R-292134

Establishing a one-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 5:00 p.m., Sundays and certain holidays excepted, on the west side of La Jolla Boulevard from Kolmar Street to the alley south of Kolmar Street;

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes a one-hour unmetered time limit parking zone to be effective from 8:00 a.m. to 5:00 p.m., Monday through Friday with certain holidays excepted, on the west side of La Jolla Boulevard from Kolmar Street to the alley south of Kolmar Street. Council approval is required, according to Municipal Code, Section 86.04. Recent studies indicate that this segment

of La Jolla Boulevard is heavily impacted by long term parking. The average parking occupancy is 100 percent. The average parking duration per vehicle is 10 hours. The average turnover is 1 parker per space over 10 hours. This satisfies the criteria established in Council Policy 200-04 for the installation of time limit parking. A petition from all three of the affected properties was submitted in support of this action. The La Jolla Community Planning Association supports this action.

**FISCAL IMPACT:**

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED AS REQUESTED BY COUNCIL MEMBER MATHIS CHANGING THE PARKING ZONE FROM MONDAY THROUGH SATURDAY TO MONDAY THROUGH FRIDAY AS REQUESTED BY THE COMMUNITY. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-121: Creating a Fund for Donations to Becky's House Shelter.

**COUNCILMEMBER WARDEN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-148) ADOPTED AS RESOLUTION R-292135

Authorizing the City Auditor and Comptroller, in cooperation with Council District 5 and the City Attorney, to create a separate special fund, to be designated "Becky's House, Fund No. 10591," to receive and disburse as contractually authorized, all contributions designated and received for the purpose of Becky's House;

Declaring that the City's procurement and expenditure policies may be waived in connection with funds received from private donations for Becky's House.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G170-205.)

MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES IN ITEMS -52 AND -55 AND ADOPT THE RESOLUTION IN ITEM-121. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-yea.

\* ITEM-122: Otay Valley Regional Park Open Space.

(Otay Mesa Nestor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-198) ADOPTED AS RESOLUTION R-292136

Authorizing the City Manager or his designee, to execute a grant deed, transferring seven parcels of land, containing 63.77 acres, acquired for Otay Valley Regional Park Open Space, to The City of Chula Vista.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 17, 1998, the San Diego City Council approved Resolution No. R-289824 authorizing the acquisition of 197 acres for the Otay Valley Regional Park using state funds of \$3,000,000 from the State Coastal Conservancy. Included in this acquisition were 63.77 acres of property located entirely within the City of Chula Vista. This action will allow the transfer of this property to the City of Chula Vista and as consideration for this transfer, the City of Chula Vista has agreed to maintain this park property and the City of San Diego will be relieved of the real estate tax burden.



**FISCAL IMPACT:**

None.

Culbreth-Graft/Griffith/RAG

FILE LOCATION: DEED F-7584

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-123: Easement Grant - Del Mar Highlands Estates - Pacific Bell.

(Fairbanks Ranch Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-229) ADOPTED AS RESOLUTION R-292137

Authorizing the City Manager or his designee, to execute an easement deed conveying to Pacific Bell, an easement for the purpose of installing and maintaining an equipment cabinet and vault, affecting Lot 4 of Fairbanks Country Club, Map-10730.

**CITY MANAGER SUPPORTING INFORMATION:**

Pacific Bell has requested the purchase of an easement in order to expand its service in the Del Mar Highlands area. The easement is 10 feet wide, and 20 feet long, totaling 200 square feet. City appraisal staff has reviewed an independent appraisal and concurs with the Fair Market Value of \$100.00 (Nominal Value). The easement will be located on the south side of San Dieguito Road, and will have no impact upon the existing open space.

**FISCAL IMPACT:**

The amount of \$100 will be deposited into Capital Outlay Fund 302453.

Culbreth-Graft/Griffith/ACG

FILE LOCATION: DEED F-7585

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-124: Miramar Pipeline Access Easement - Supplemental Funding/Phase 1.

(Marine Corp Air Station/Miramar Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-152) ADOPTED AS RESOLUTION R-292138

Authorizing the City Auditor and Comptroller to expend an additional amount not to exceed \$21,399.16 to cover existing deficiencies which include increased land value, labor charges, and other miscellaneous related costs from CIP-70-910.2, Miramar Pipeline Rehabilitation - Phase 1, Fund No. 41500.

**CITY MANAGER SUPPORTING INFORMATION:**

By Resolution No. 289255, dated September 30, 1997, Council authorized the expenditure of \$50,000 for the acquisition of property rights required for this project. Since that date, labor charges, increased land value and other miscellaneous cost have led to deficiencies in the authorized funding for this project. Additional funds in the amount of \$21,399.16 are required in order to bring the funding in balance.

**FISCAL IMPACT:**

\$21,399.16 is available in CIP-70-910.2 (Miramar Pipeline Rehabilitation - Phase 1).

Culbreth-Graft/Griffith/JBC

Aud. Cert. 2000105.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-125: Transfer of Funds - Encanto Community Park - Patio Enclosure and ADA Upgrade.

(Southeastern San Diego Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-179) ADOPTED AS RESOLUTION R-292139

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$24,762 from Community Development Block Grant Funds, Fund No. 18533, for use on CIP-29-483.0, Encanto Community Park-Patio Enclosure and ADA Upgrade.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing Encanto Community Park is located at 6508 Wunderlin Avenue in the southeastern area of San Diego. This project provides for Americans with Disabilities Act upgrades to the existing Recreation Center building, including interior and exterior routes, building signage, restroom upgrades, and miscellaneous code compliance improvements. The project also includes

the conversion of the existing patio area into an enclosed recreation room.

**FISCAL IMPACT:**

Funding in the amount of \$24,762 is available in Community Development Block Grant Fund 18533 for this purpose.

Culbreth-Graft/McLatchy/TM

Aud. Cert. 2000154.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-126: Point Loma Library Expansion - Supplemental Funding.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-251) ADOPTED AS RESOLUTION R-292140

Authorizing the City Auditor and Comptroller to expend an additional amount not to exceed \$65,000 from CIP-35-067.0, Point Loma Library, for acquisition of property rights required for the Project.

**CITY MANAGER SUPPORTING INFORMATION:**

By Resolution Numbers 290472 and 290473, adopted July 21, 1998, Council authorized condemnation proceedings, as well as the expenditure of \$400,000 for costs related to condemnation of fee title interest in connection with the Point Loma Library Expansion Project. Subsequent to the Resolution adoptions, condemnation-related litigation and settlement

expenses, labor charges, relocation, appraisal, and miscellaneous costs associated with the acquisition have led to deficiencies in the authorized funding for this project. Additional funds in the amount of \$65,000 are required in order to bring the funding in balance. This action will authorize the expenditure of the additionally-required monies.

**FISCAL IMPACT:**

Funds in the amount of \$65,000 are available in CIP-35-067.0, Point Loma Library.

Culbreth-Graft/Griffith/SLG

Aud. Cert. 2000239.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-127: Del Cerro Highlands Pump Plant.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-195) ADOPTED AS RESOLUTION R-292141

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,000 from CIP-73-083.0, Annual Allocation - Water Main Replacements, for the acquisition of a 72 square foot permanent easement and right-of-way, located on

the south side of Crystallaire Drive, east of Madra Avenue, in order that columns to support the roof of the Del Cerro Highlands Pump Plant may be installed.

**CITY MANAGER SUPPORTING INFORMATION:**

During the reconstruction of the Del Cerro Highland Pump Plant, it was determined that it is necessary to expand the existing easement area by 72 square feet, to allow for the installation of columns to support the roof of the reconstructed pump plant structure. This action is requesting authority to expend \$1,000 for the acquisition of the 72 square foot easement.

**FISCAL IMPACT:**

\$1,000 is available in CIP-73-083.0.

Culbreth-Graft/Griffith/SLG

Aud. Cert. 2000180.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-128: Grant Proposal to California Department of Alcohol Beverage Control.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-171) ADOPTED AS RESOLUTION R-292142

Authorizing the Chief of Police of the City of San Diego, by and through the City Manager, to submit an application and, if selected, to accept funding for the proposed program to reduce crime and disruption problems associated with licensed alcohol establishments City-wide, particularly those associated with access to alcoholic beverages by minors;

Authorizing the Chief of Police to execute the resultant program and contract, including any amendments, extensions, renewals and/or future funding of the program for a period of up to five years, provided funding is made available by the California Department of Alcoholic Beverage Control;

Authorizing the Chief of Police to execute all aspects of grant program operation, and to certify that the City will comply with all applicable statutory or regulatory requirements related to the program;

Declaring that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and ABC disclaim responsibility for any liability;

Authorizing the Chief of Police to provide the matching resources as committed to this grant program;

Declaring that grant funds received hereunder shall not be used to supplant expenditures controlled by City Council;

Declaring that any staff positions funded under the grant award shall not be subject to local hiring freezes.

Aud. Cert. 2000086.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-129: U.S. Fish and Wildlife Service - Florida Canyon Habitat Grant Application.

(Balboa Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-159) ADOPTED AS RESOLUTION R-292143

Authorizing the City Manager or his designated representative to take all necessary actions to secure the Grant from the USFWS for the Florida Canyon Habitat Protection and Enhancement Project (Project);

Authorizing the City Manager or his designated representative to accept, appropriate, and expend the funds if the Grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant.

**CITY MANAGER SUPPORTING INFORMATION:**

The staff of the U.S. Fish and Wildlife Service approached the Park and Recreation Department staff for grant funding of the Florida Canyon Habitat Protection and Enhancement Project. This project will involve the removal of non-native plant species and the replacement with native species in support of the sensitive riparian habitats. If approved, the project would further continue the Department's proactive habitat preservation/restoration efforts in this park. The Department is currently administering five (5) grant-funded riparian enhancement projects within our open space parks.

**FISCAL IMPACT:**

The City's match to the grant will be "in-kind" services, in the form of labor, both on the part of volunteers and park ranger staff. The total grant funds requested is \$12,500 for the Florida Canyon Habitat Project. Funds will also be used for supplies, and equipment for the project scope.

Culbreth-Graft/McLatchy/LW

**FILE LOCATION:**

**MEET**



COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- \* ITEM-130: Grant Applications: Encanto Community Park - Bleachers & PA System and Marie Widman Neighborhood Park Comfort Station.

(Southeast San Diego Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-207) ADOPTED AS RESOLUTION R-292144

Authorizing the City Manager or his designated representative to apply to the California Department of Parks and Recreation (CDPR) for \$7,880 in State funding for the Encanto Project and \$246,250 in State funding for the Widman Project;

Authorizing the City Manager or his designated representative to take all necessary actions to secure the Grants from the CDPR for the Encanto and Widman Projects;

Authorizing the City Manager or his designated representative to accept, appropriate, and expend the funds if the Grants are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grants.

**CITY MANAGER SUPPORTING INFORMATION:**

On July 19, 1999, the Park and Recreation Department's Resource Development Office was officially notified by the California Department of Parks and Recreation that funding was allocated for two park projects in the FY2000 State budget. Funding of \$8,000 for the purchase of bleachers and a public address (PA) system at Encanto Community Park, and \$250,000 for the design and construction of a new comfort station at Marie Widman Neighborhood Park. The

total amount allocated will be reduced by 1.5 percent for State-administered costs. This action will allow the City Manager to enter into an agreement with the State and proceed with projects.

**FISCAL IMPACT:**

The City will receive \$254,130.

Culbreth-Graft/McLatchy/SLM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-131: Grant to Reduce Greenhouse Gas Emissions.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-168) ADOPTED AS RESOLUTION R-292145

Approving the acceptance of a grant of \$45,000, and follow-on grants as they become available, from the International Council for Local Environmental Initiatives, to implement program reducing greenhouse gas emissions;

Authorizing the City Manager to negotiate and execute an agreement with the International Council for Local Environmental Initiatives (ICLEI) defining ICLEI and City roles in the project;

Authorizing the expenditure of the grant proceeds according to the agreement with ICLEI, and an in-kind contribution of \$11,250 from the City's existing budget funds as the City's match.

**CITY MANAGER SUPPORTING INFORMATION:**

This action is requested to approve the acceptance of a \$45,000 grant, and possible follow-on grants, from the International Council for Local Environmental Initiatives, and authorizing the City Manager to negotiate and execute an agreement with ICLEI defining ICLEI and City roles in the project. The grant will be managed by the City of San Diego, which will take a lead role in implementing the project. The City of San Diego will provide an in-kind contribution of \$11,250. The primary effort will be to provide opportunities for manufacturing companies within the City of San Diego to implement programs reducing greenhouse gas emissions through the Climate Wise program, sponsored by the U.S. Environmental Protection Agency with technical assistance from the U.S. Department of Energy. With a theme of "Improving the Bottom Line Through Economic Productivity, Energy Efficiency and Environmental Performance," local manufacturing companies will be able to receive no or low cost production process audits which demonstrate manufacturing process improvements, energy efficiency opportunities, waste material elimination options, and fuel-saving transportation programs. The proposed grant will complement the greenhouse gas reduction programs already initiated by the City by: 1) promoting public use of the Liquefied Natural Gas (LNG) Fueling Station at the Miramar Operations Center and 2) collecting data on the operation of the LNG Fueling Station.

**FISCAL IMPACT:**

The City will receive a \$45,000 grant in two installments, which will be expended according to an agreement with ICLEI. Also, the City will make an in-kind contribution valued at \$11,250 from existing budgeted funds.

Loveland/Hays/LW

Aud. Cert. 2000170.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-132: Coastal Resources Grant Program - La Jolla Seals Docent Program.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-201) ADOPTED AS RESOLUTION R-292146

Authorizing the City Manager or his designated representative to apply to the State of California Resources Agency (SCRA) Grant Program for the development and start-up of a docent program at La Jolla's Seal Rock and Children's Pool (Project);

Authorizing the City Manager or his designated representative to take all necessary actions to secure funding from the SCRA for the Project;

Authorizing the City Manager or his designated representative to accept, appropriate, and expend funds for the Project if the Grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant.

**CITY MANAGER SUPPORTING INFORMATION:**

The State of California Resources Agency's 1999-2000 Coastal Resources Grant Program provides grants to coastal counties and cities that are affected by the impacts of offshore energy development and/or for coastal resources management. The Park and Recreation Department is working with the National Marine Fisheries Services (NMFS) and local community members to submit a \$60,500 grant for the development and start-up of a docent program at La Jolla's Seal Rock and Children's Pool. The grant would provide funding for the Park and Recreation

Department to hire an outside group to create and implement a three-year docent training program. The docent program would provide training to citizen volunteers to educate the public about the harbor seals in La Jolla. The Park and Recreation Department's Natural Resource Planner will act as Project Manager of the project.

**FISCAL IMPACT:**

If grant is secured, City will receive \$60,500 and enter into an agreement with an outside agency to provide Docent Program.

Culbreth-Graft/McLatchy/SLM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G208 275.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-yea.

\* ITEM-133: National Endowment for the Humanities (NEH) Grant Program - San Diego Presidio Collection Preservation Project.

(Old San Diego Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-200) ADOPTED AS RESOLUTION R-292147

Authorizing the City Manager or his designated representative to apply to the NEH for the Grant to be used on the San Diego Presidio Collection Preservation Project (Project);

Authorizing the City Manager or his designated representative to take all necessary actions to secure funding from the NEH for the Project;

Authorizing the City Manager or his designated representative to accept, appropriate, and expend funds for the Project if the Grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant.

**CITY MANAGER SUPPORTING INFORMATION:**

The National Endowment for the Humanities (NEH) is an independent grant-making agency of the federal government to support research, education, and public programs on the humanities. The City's Park and Recreation Department, in partnership with the San Diego Archaeological Center, has identified the San Diego Presidio Collection Preservation Project as a competitive project under the NEH's Division of Preservation and Access. The \$109,861.40 grant application will provide for the more than 500 boxes of artifacts (approximately 200,000 artifacts) discovered at the Presidio to be organized, documented, and preserved for the future interpretive program. If grant funds are secured, the San Diego Archaeological Center will take the lead in this project. Park and Recreation Department staff will oversee the project.

**FISCAL IMPACT:**

If grant is secured, City will receive \$109,861. These funds will cover the costs of the project scope.

Culbreth-Graft/McLatchy/SLM

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-134: Urban Streams Restoration Grant Program - Marian R. Bear Natural Park Gabion.

(Clairemont Mesa and University City Community Areas. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-132) ADOPTED AS RESOLUTION R-292148

Authorizing the City Manager or his designated representative to jointly apply with the Recreation Council for a Restoration Program Grant for the restoration of the gabion along San Clement Creek, located in Marian Bear Memorial Natural Park (Project);

Authorizing the City Manager or his designated representative to take all necessary actions to secure funding from the Restoration Program for the Project;

Authorizing the City Manager or his designated representative to accept, appropriate, and expend funds for the Project if a Restoration Program Grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Restoration Program Grant.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Department of Water Resources' Urban Streams Restoration Grant Program was developed to support actions that prevent property damage by floods and bank erosion, and restores natural value of streams. The Park and Recreation Department, in partnership with the Marian R. Bear Natural Park Recreation Council, has identified the restoration of the gabion along the San Clemente Creek. The \$10,237 grant application, along with volunteer labor, will redesign and construct additional gabion to ensure the structure provided adequate bank support during future winter storms.

**FISCAL IMPACT:**

If grant is secured the City will receive \$10,237. Project will be done with volunteer labor as provided by the Marian R. Bear Memorial Park Recreation Council.

Culbreth-Graft/McLatchy/SLM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-135: Montgomery Field Airport Improvement Project.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-196) ADOPTED AS RESOLUTION R-292149

Approving the City Manager's submittal of an application for FAA funding for the Montgomery Field Master Plan Update (Project);

Authorizing the City Manager to accept the FAA Grant Offer of \$250,000 for the project;

Authorizing the City Auditor and Comptroller to amend the FY 2000 budget for CIP-31-333.0, Montgomery Field Master Plan Update, by transferring \$11,112 to Fund 41100, Airports Fund, and increasing the federal grant appropriation by \$25,000;



Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$263,888 from CIP-31-333.0, Montgomery Field Master Plan Update, for the Project upon receipt of the FAA grant funds;

Authorizing the City Manager to apply for and accept, if awarded, a state grant in the amount of \$13,888 for the Project. If awarded, the City Manager shall authorize a further increase of \$13,888 in the funding for CIP-31-333.0, Montgomery Field Master Plan Update and, if awarded, shall authorize the expenditure of \$13,888 from state grant funding from CIP-31-333.0, Montgomery Field Master Plan Update.

**CITY MANAGER SUPPORTING INFORMATION:**

An Airport Master Plan update for Montgomery Field Airport is a land use plan that will assist the City in the continued development of Montgomery Field Airport in a manner which is safe, environmentally sound and economically viable. It is funded primarily by taxes generated in the Airport Improvement Program (AIP), a user-funded program controlled by the Federal Aviation Administration (FAA). The last Airport Master Plan for Montgomery Airport was adopted by the City Council on July 10, 1984. Previous Council authorization approved an appropriation of \$225,000 for FAA funding and \$25,000 from City Matching funds for CIP-31-333.0, Montgomery Field Master Plan Update. However, based on a redistribution of funding sources, we are now requesting authorization to amend the FY 2000 CIP budget for the above mentioned CIP by decreasing the City matching funding from \$25,000 to \$13,888 (decrease of \$11,112) and increasing the FAA funding from \$225,000 to \$250,000 (increase of \$25,000.)

**FISCAL IMPACT:**

None if the grant is not accepted. If grant is accepted, the project cost is to be \$277,776, of which 90 percent is reimbursable from the FAA, 5 percent is reimbursable from the State of California, and 5 percent funded by the Airport Enterprise Fund.

Culbreth-Graft/Griffith/TLW

Aud. Cert. 2000187.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-136: Additional Expenditure and Contract Award for Sewer Group 634A.

(Peninsula, Uptown, and Balboa Park Community Areas. Districts-2 and 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-46) ADOPTED AS RESOLUTION R-292150

Accepting the lowest bid of Cal Southwest Construction, Inc., meeting the specifications for Sewer Main Replacement Group 634A, in the amount not to exceed \$1,153,907;

Authorizing the transfer of \$187,142 from Sewer Fund 41506, CIP-46-215.0, Annual Allocation-Infrastructure Upgrade and Replacement to Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement;

Authorizing the additional expenditure, not to exceed \$187,142 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement for the project and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99242C)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Group 634A is a portion of the continuing Annual Capital Improvement Program Allocation to replace undersized, and deteriorated water and sewer mains. The mains being replaced were originally constructed in the 1920s and have reached their useful life. Replacement of these sewer mains will provide the community with a safe and reliable sewer infrastructure. This project is located within the Peninsula, Uptown, and Balboa Park Community areas. It consists of constructing approximately 6,810 feet of new sewer mains in the Peninsula area, and the rehabilitation of approximately 1,116 feet of sewer main in Balboa

Park and in the Uptown area. The following streets will be affected by construction operations: 1) Peninsula Community area; Avenida De Portugal, Shelter Island Drive, Byron Street, Carleton Street, Shafter Street, and Scott Street; 2) Uptown Community area; Myrtle Avenue; 3) Balboa Park area; Florida Drive. Residents will be notified by mail at least one (1) month before construction by the City and ten (10) days before construction by the contractor. The construction bid came in over the Engineer's estimate as a result of increased construction costs. An analysis of the seven (7) bids received indicates that re-advertising of the project will not result in lower bids.

**FISCAL IMPACT:**

The total cost of the project is \$1,744,349 of which \$1,557,207 was previously authorized by Council Resolution R-291712. Of the total estimated cost \$490,592 is for engineering, \$1,153,907 is for construction, and \$99,850 for contingencies and related costs. The funding is available in Sewer Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement and will be transferred to Sewer Fund 41506, CIP- 44-001.0, Annual Allocation - Sewer Main Replacement for this purpose.

Loveland/Belock/AO

Aud. Cert. 2000166.

WWF-99-403.

FILE LOCATION: CONT - Cal Southwest Construction, Inc. - W.O. 172401

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- \* ITEM-137: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2000-127) ADOPTED AS RESOLUTION R-292151

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- \* ITEM-138: Television Channel Interference.

**INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-233 REV.) ADOPTED AS AMENDED AS RESOLUTION R-292152

Calling upon the Federal Communications Commission (FCC) to place a ceiling on the level of transmission output related to the use of channel 3 by station XHTJB-TV so as to limit interference with television reception in the United States to the maximum extent possible.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED AS REQUESTED BY COUNCIL MEMBER McCARTY STRIKING THE LAST FOUR WORDS AS MENTIONED ON THE CHANNEL 3 INTERFERENCE TO READ: "...TO LIMIT INTERFERENCE WITH TELEVISION RECEPTION IN THE UNITED STATES." Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-139: Dedication for Park Purposes.

(Midway Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-295) ADOPTED AS RESOLUTION R-292153

Setting aside for dedication as and for a public park a portion of Pueblo Lots 320 and 328.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will dedicate an area for park in the Midway community. Although not in strict compliance with Council Policy 700-17, this park dedication will aid in providing some realization of the landscaping and beautification goals of the North Bay Revitalization Plan.

**FISCAL IMPACT:**

None with this action.

Culbreth-Graft/Griffith/MRS

FILE LOCATION: DEED F-7586

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: Western Water Company Memorandum of Understanding.

(See City Manager Report CMR-99-165 and news article.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2000-170) ADOPTED AS RESOLUTION R-292154

Authorizing the City Manager to execute a Water Sale and Purchase Memorandum of Understanding ("MOU") with Western Water Company;

Directing the City Manager to return to the Natural Resources and Culture Committee for authorization to execute an agreement with Western Water Company upon satisfying all the terms of the MOU, including compliance with CEQA.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 8/4/99, NR&C voted 3-0 to approve the City Manager's recommendation. (Councilmembers Mathis, Kehoe, and Warden voted yea. Councilmembers Stallings and McCarty not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-151: Minor Revision to Solid Waste Local Enforcement Agency (LEA) Fee Schedule.

(See City Manager Reports CMR-99-164-Revised and CMR-99-170.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2000-227 Cor. Copy)      ADOPTED AS RESOLUTION R-292155

Accepting and approving the revisions to the Solid Waste Local Enforcement Agency (LEA) fee schedule.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 8/4/99, NR&C voted 3-0 to approve the City Manager's recommendation to: a) reduce the annual Standardized Composting Permit fee from \$10,560 to \$5,600; and b) eliminate the quarterly reporting requirements and tonnage fees on waste haulers and replace the latter with an annual fee of \$35 per vehicle. (Councilmembers Mathis, Kehoe, and Warden voted yea. Councilmembers Stallings and McCarty not present.)

**FILE LOCATION:**                      GEN'L - Fees & Charges - Solid Waste Local Enforcement Agency (LEA)

**COUNCIL ACTION:**                      (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-152: Regulations Governing Public Pay Telephones in the Public Right-Of-Way.

(See City Manager Report CMR-98-236.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-99-60) INTRODUCED, TO BE ADOPTED SEPTEMBER 27, 1999

Introduction of an Ordinance Repealing Ordinance Nos. 8985 (New Series) and 15975 (New Series), and Amending the San Diego Municipal Code by Amending Chapter V, Article 4, Division 5, Section 54.0502, and by Adding New Division 6, Relating to Public Pay Telephones in the Public-Of-Way.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 3/24/99, PS&NS voted 3-0. Motion by Deputy Mayor Wear, second by Councilmember Stevens to forward this issue to the full City Council with direction to the City Manager to work with the Pay Phone Owners Association to address encroachment issues described in parts five, seven, and eight of Section 54.0510 of the proposed ordinance. (Councilmembers Warden, Wear, and Stevens voted yea. Councilmembers Mathis and Kehoe not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-153: Amendments to San Diego Data Processing Corporation Operating Agreement.

(See City Manager Report CMR-99-169)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2000-178) ADOPTED AS RESOLUTION R-292156

Authorizing the City Manager to execute the Amended and Restated Operating Agreement with the San Diego Data Processing Corporation (SDDPC).

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 8/2/99, RULES voted 4-0 to establish a one million threshold for authorization by the San Diego Data Processing Corporation for signing outsourcing contracts without City Manager review; contracts in excess of three percent of the SDDPC annual budget requires Council approval. For contracts in excess of one million, the City Manager shall complete the review and decision within 10 days of the request. The City Manager will return in one year to the RULES Committee with a report on the year trial period, including a summary of outsourcing contracts issued, the amount of the contracts, and any issues related to the contracts, so that any needed changes to the policy can be implemented. (Councilmembers Mathis, Warden, Vargas and Mayor Golding voted yea. Deputy Mayor Wear not present.)

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Inviting Bids for the Point Loma - Chemical Feed Systems Upgrade.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-10) ADOPTED AS RESOLUTION R-292157

Inviting bids for the Point Loma - Chemical Feed Systems Upgrade on Work Order No. 192980;

Establishing contract funding phases and authorizing a contract with the lowest responsible bidder, based on actual low bid submitted, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$3,866,700 from Fund No. 41508, consisting of \$3,718,700 from CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade, to provide funds for project construction and related costs; and \$148,000 from CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, to provide funds for project contingency, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

**CITY MANAGER SUPPORTING INFORMATION:**

This project provides for upgrading the ferric chloride and polymer chemical feed systems at the Point Loma Wastewater Treatment Plant (PLWTP). Proposed improvements provide for replacing two ferric chloride tanks, installing a third ferric chloride tank, upgrading chemical unloading facilities, adding automatic flow-pacing for ferric chloride and polymer feed systems, upgrading of the existing polymer feed building and replacing piping to extend the system life and improve safety. Currently, chemical storage facilities are inadequate. Ferric chloride storage tanks are rapidly deteriorating and need to be replaced. Additional storage is necessary to ensure uninterrupted chemical addition into the wastewater to achieve the required treatment levels.

The new facility will provide up to four days of storage of ferric chloride at the plant design capacity. Automatic flow-pacing and multiple discharge points will be installed to allow for operational flexibility and fine tuning of chemical additions to maximize the plant's performance.

**FISCAL IMPACT:**

The total authorized to expend with this action is \$3,866,700 of which \$2,974,585 is for construction, \$148,000 is for contingency and \$744,115 is for related cost. It is anticipated that this contract will be phase funded over two fiscal years.

Loveland/Schlesinger/JAW

FILE LOCATION: W.O. 192980

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Comply with ADA Removal of Architectural Barriers at City Facilities.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-259) ADOPTED AS RESOLUTION R-292158

Authorizing to do by City Forces all the work to perform ADA barrier removal work at the facilities listed in the Fiscal Impact Statement, indicating that the work can be done by City Forces more economically than if let by contract. The cost of the work shall not exceed \$2,002,744.37, of which \$260,444.37 is for Council District 1, and \$1,742,300 is for Citywide ADA Compliance.

**CITY MANAGER SUPPORTING INFORMATION:**

The City has implemented an ADA compliance strategy of annually committing 20 percent of the Citywide CDBG allocation, along with Council members dedicating portions of their District funding, toward barrier removal projects. This strategy includes review and prioritizing of projects by the Manager appointed Citizen's Review Committee on ADA and Disability Issues based on the City's ADA Transition Plan. To date, 53 facilities have been retrofitted. This work primarily consists of sign, handrail, door hardware, faucets and ramp installation, restroom reconfiguration, door and partition widening, and counter top and sink lowering. As part of the City's strategy to meet the mandates of the ADA, Disability Services established Memorandums of Understanding with Facilities Maintenance to perform this work on the facilities identified with two crews specifically trained in ADA compliance work. Since Municipal Code 22.0212 requires Council approval to use City forces on public work projects exceeding \$100,000, it is requested Council authorize City forces to perform ADA barrier removal work at the facilities listed in fiscal impact statement. Funds are available from the 20 percent of CDBG funds set aside for ADA improvements.

**FISCAL IMPACT:**

CDBG Funded Projects - total cost \$2,002,744.37.

Culbreth-Graft/Christiansen/LY

Aud. Cert. 2000240.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Carmel Valley Neighborhood 10 Park-Park Development Agreement.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-248) CONTINUED TO SEPTEMBER 28, 1999

Authorizing the City Manager to execute the Park Development Agreement for Carmel Valley Neighborhood 10 Neighborhood Park.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed Carmel Valley Neighborhood 10 Neighborhood Park is 10 acres in size and located in Carmel Valley south of State Highway 56. The Park will be located adjacent to an elementary school and will include a joint use facility. The Park and joint use area are scheduled in the Carmel Valley Facilities Financing Plan to be completed in 2003. However, this time schedule may be expedited in order to meet the Del Mar Union School District's desire to open the school by the fall of 2000. Negotiations are currently underway between the School District, the developer and the City to coordinate this proposed expedition.

**FISCAL IMPACT:**

None at this time; however, maintenance costs are projected to be approximately \$80,000 when the project is fully operational.

Culbreth-Graft/McLatchy/TM

NOTE: See Item 203 on today's docket for a companion item.

FILE LOCATION: LAND - Carmel Valley Neighborhood 10 Park-Park  
Development Agreement (65)

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO CONTINUE TO SEPTEMBER 28, 1999, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Three actions related to Final Subdivision Map of Carmel Valley Neighborhood 10 Unit No. 3.

(This is a 109-lot subdivision. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-231) CONTINUED TO SEPTEMBER 28, 1999

Authorizing the execution of a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-B: (R-2000-230) CONTINUED TO SEPTEMBER 28, 1999

Approving the final map.

Subitem-C: (R-2000-232) CONTINUED TO SEPTEMBER 28, 1999

Authorizing the execution of a Landscape Maintenance Agreement with Pardee Construction Company, for the installation and completion of public improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of 59.265 acres into 109 lots for residential development. It is located south of Carmel Mountain Road in the Carmel Valley Community Plan area. On June 30, 1997, the Planning Commission of The City of San Diego approved VTM-96-0737, amending VTM-91-0834 by Resolution R-288908 for Carmel Valley Neighborhood 10. The City Engineer has approved the final map and states that all conditions of the Vesting Tentative Map have been satisfied. City Council action is required to give final approval of all final maps and

agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28047-1-D through 28047-26-D, filed in the Office of the City Clerk under Micro Number 140.09. All improvements are to be completed within two years. The Engineers estimate for the cost of public improvements is now \$2,088,821 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$15,000, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. Lot "A" is being deeded by separate instrument to the City at no cost as a condition of tentative map approval. This lot totals 25.038 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

**NOTE:** See Item 202 on today's docket for a companion item.

**FILE LOCATION:** Subitems A,B, & C: SUBD - Carmel Valley 10 North (65)

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO CONTINUE TO SEPTEMBER 28, 1999, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Two actions related to the Final Subdivision Map of 464 & 476 Prospect Street - La Jolla.

(This is a 1-lot subdivision. La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-273) ADOPTED AS RESOLUTION R-292159

Authorizing the City Manager to execute a Subdivision Improvement Agreement with DTC-RECP OPCO, LLC, for the installation and completion of certain public improvements in the subdivision to be known as 464 & 476 Prospect Street - La Jolla.

Subitem-B: (R-2000-272) ADOPTED AS RESOLUTION R-292160

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 2.747 acre site into one lot for a condominium project. It is located west of Prospect Street and east of Coast Boulevard in the La Jolla Community Plan area. On October 20, 1998, the Council of the City of San Diego approved La Jolla Planned District Permit No. 96-7888 by Resolution No. R-290896 for 464 & 476 Prospect Street Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29950-1-D through 29950-7-D, filed in the Office of the City Clerk under Micro Number 140.07. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$92,275 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$2,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that they subscribe to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."



**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: Subitems A & B: SUBD - La Jolla 464 & 476 Prospect Street (40)

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: Amendment to Local 145 Memorandum of Understanding for the purpose of providing two different Paramedic Specialty Pays.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-274 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-292161

Authorizing the City Manager, on behalf of the City, to execute amendments to Article 43 of the Memorandum of Understanding between the City of San Diego and San Diego City Fire Fighters Local 145, for the purpose of providing two different Paramedic specialty pays, for implementation September 14, 1999:

<u>Additional Staff Costs</u>	<u>FY99-2000 Projected Expenditure</u>
<u>Paramedic Special Assignment Pay (5%)</u>	
3 Captains @ \$3,000 each	\$ 9,000
24 Engineers @ \$2,500 each	\$60,000

<u>Paramedic Field Trainer Specialty Pay (5%)</u>		
9 Firefighter positions		<u>\$27,000</u>
	Total Cost	\$96,000
	FY 2000 Appropriation	<u>\$100,000</u>
	Difference	+\$4,000

Authorizing the expenditure of an amount not to exceed \$96,000 from Fund 10246, Account No. 9544.

**CITY MANAGER SUPPORTING INFORMATION:**

**Background: Paramedic Specialty Pay:**

On July 26, 1999, the Council adopted the Fiscal Year 2000 Annual Appropriations Ordinance reflecting decisions reached during the budget review meetings, including an appropriation of \$100,000 to provide for a 5 percent specialty pay for those licensed paramedics not working in budgeted paramedic positions, yet still available to perform paramedic duties (approximately 37 positions). The appropriation was funded with revenue from FY98 "profits" from the San Diego Medical Service Enterprise, LLC. Actual cost is estimated at \$69,000. During the July 26, 1999 meeting, the Council directed the Manager to "meet and confer" with Fire Fighters' Local 145 regarding the terms and conditions of the payment of the approved specialty pay. This paramedic speciality premium would expire by its own terms effective with the final pay period of FY 2000 unless otherwise extended and funded by the City Council.

**Background: Field Training Program:**

The field trainer position is intended to provide a comprehensive clinical and non-clinical education and performance feedback to Emergency Medical Technicians (EMTS) and paramedics in the field setting. The purpose of the program is to assure that SDMSE personnel continue to provide quality care to the community. The Field Training Program will utilize a minimum of nine (9) full-time trainer positions in the special revenue fund (121). Field Trainers would receive specialty pay at the rate of 5 percent of Fire Fighter 11 (E-step) base salary as special assignment pay for the actual hours worked when functioning as a field trainer. Supplemental trainers may also be designated as needed by the Department. Employees who receive this premium would not be eligible to receive the paramedic premium addressed above. The action before Council is to approve the Letter of Understanding amending the current Memorandum of Understanding between the City and Local 145, adding the new paramedic specialty pays for FY 2000, effective September 14, 1999.

**FISCAL IMPACT:**

The following chart summarizes the additional LLC costs associated with adding specialty pay for paramedic special assignment and paramedic field trainers.

<u>Additional Staff Costs</u>	<u>FY99-2000 Projected Expenditure</u>
<u>Paramedic Special Assignment Pay (5%)</u>	
3 Captains @ \$3,000 each	\$ 9,000
24 Engineers @ \$2,500 each	\$60,000
<u>Paramedic Field Trainer Specialty Pay (5%)</u>	
9 Firefighter positions	<u>\$27,000</u>
Total Cost	\$96,000
FY 2000 Appropriation	<u>100,000</u>
Difference	+\$4,000

Herring/Kelley

Aud. Cert. 2000253.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED AS REQUESTED BY COUNCIL MEMBER VARGAS TO PROVIDE THE SPECIALTY PAY RETROACTIVE TO JULY 1, 1999, Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: South Pacific Highway Trunk Sewer.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-249 Cor. Copy) ADOPTED AS RESOLUTION R-292162

Amending the FY 2000 Capital Improvements Projects Budget by adding CIP-40-928.0, South Pacific Highway Trunk Sewer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$268,000 from Sewer Fund 41506, CIP-40-927.0, Centre City Sewer Improvements to Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The South Pacific Highway Trunk Sewer is located in the Centre City Community area. It will be approximately 3,932 feet of 33-inch pipe starting near Kettner Avenue and West Harbor Drive and discharging into the South Metro Interceptor near Pacific Highway and Beech Street. It will be connected at its south end to the Kettner Trunk Sewer and will parallel it. This sewer line will act as a relief sewer to provide the required capacity for existing and future sewage flows.

**FISCAL IMPACT:**

The estimated total of this project is \$3,975,150 of which \$268,000 is for FY 2000, \$55,000 is for FY 2001 and \$3,652,150 is for FY 2002. Funding is available in Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer.

Loveland/Belock/AO

Aud. Cert. 2000224.

WWF-00-412.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207: Authorizing Bond Counsel Services Agreement with Orrick Herrington & Sutcliffe and Webster & Anderson for Ballpark Financing.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-243) ADOPTED AS RESOLUTION R-292163

Authorizing the City Manager to execute a Bond Counsel Services Agreement with Orrick Herrington & Sutcliffe and Webster & Anderson, for bond counsel services for Ballpark Financing;

Authorizing the expenditure of an amount not to exceed \$317,000 from Fund 102214, Dept 102214, Org 200, for the purpose of providing funds for the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds to the appropriate reserves.

**SUPPORTING INFORMATION:**

On November 3, 1998, the voters approved Ordinance O-18613, which directed the City Manager to execute for and on behalf of the City of San Diego that certain Memorandum of Understanding [MOU] between the City of San Diego [City], Redevelopment Agency of the City of San Diego, Center City Development Corporation, and San Diego Padres regarding a ballpark and redevelopment project [Project]. Pursuant to the MOU, the City is responsible for funding a portion of the Project. In the event the Project is constructed, the City anticipates that

it will fund its portion of the Project through the sale of bonds. Through a competitive RFP process, Orrick, Herrington & Sutcliffe and Webster & Anderson were selected as bond counsel to provide legal services pertaining to the bonds. Pursuant to the agreement, Orrick, Herrington & Sutcliffe will also provide other legal services pertaining to financing the Project.

Aud. Cert. 2000225.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D043-068.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION APPROVING THE MANAGER'S RECOMMENDATION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208: Beverage Vending Machine Program Proposal.

(See City Manager Report CMR-99-172.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-265) RETURNED TO RULES COMMITTEE

Selecting the Pepsi Bottling Group as the exclusive cold drink beverage provider through cold drink vending machines at selected and specified City facilities;

Authorizing the City Manager to enter into an agreement on behalf of the City for beverage vending machines services with the Pepsi Bottling Group;

Authorizing the City Manager to develop and implement a program by which departments associated with groups currently receiving revenue from existing beverage vending arrangements at City facilities, which revenue is currently being

used to support employee morale and recognition and to support city programs, will continue to receive an equivalent amount of revenue as permitted by law from commissions generated by the Citywide Beverage Vending Machine Program, upon expiration of existing agreements;

Authorizing the City Manager to execute appropriate agreements as necessary for the purposes stated above;

Authorizing the City Auditor and Comptroller to establish a special fund for commissions generated by the Beverage Vending Machine Agreement and to make expenditures from that fund pursuant to the program developed and implemented by the City Manager for purpose of supporting employee morale and recognition and other City programs;

Amending Council Policy 000-23 as described in City Manager Report CMR-99-172.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D071-F135.)

Motion by Vargas to go through the RFP process to make it clear and distinctive so we know what we are getting into; delete the things that might be offensive such as the murals on City properties and logos on the police cars and machines; and allow the RFP to dictate whether we can delete the showmobile sponsorship. Accept Deputy Mayor Wear's recommendation to structure the proposal in such a way that it is a 7, 10, 12, and 15 year response because that affects the dollars; look at some variation in the number of machines such as 500, 750, and 1,000 in order to provide an apples to apples comparison; and direct the City Manager to get the Council involved early on in the RFP process in order to set the criteria and the ground rules. Second by Stevens. Failed. Yeas-2458; Nays-1367M.

Motion by Mathis to adopt the resolution approving the Manager's recommendation; direct staff to look at the logo situation and the murals; include a revenue stream to the Recreation Councils, including those not yet on-line who have not established arrangements for their vending machines, to be consistent with those guidelines; and come back to Council with an agreement reflecting those concerns with Pepsi. Second by McCarty. Failed. Yeas-127M; Nays-34568.

MOTION BY VARGAS TO RETURN TO THE RULES COMMITTEE TO DISCUSS THE WHOLE ITEM, INCLUDING THE SHOWMOBILE SPONSORSHIP, THE POLICY, AND THE MURALS. Second by Stevens. Passed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-250: Notice of Completion and Acceptance.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Fieldstone Summit	Miramar Ranch North
Vista Alegre	Rancho Peñasquitos
Scripps Ranch North Unit No. 1A	Miramar Ranch North
Scripps Ranch North Unit No. 1B	Miramar Ranch North
Scripps Ranch North Unit No. 8	Miramar Ranch North
Scripps Ranch North Unit No. 15	Miramar Ranch North

The certification shall be made 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the City Manager or to the Subdivision Engineer, Engineering Department, City Operations Building, 1222 First Avenue, San Diego, CA 92101.



ITEM-251: Settlement of the Personal Injury / Property Damage of Susana Ponce.

(R-2000-164)

Adopted as Resolution R-292106.

A Resolution approved by the City Council in Closed Session on Tuesday, August 3, 1999, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-not present; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury / property damage claim of Susana Ponce (Superior Court Case No. 724191, Susana Ponce v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$35,000 made payable to Susana Ponce and her attorney of record, Patrick L. Hosey, in full settlement of all claims.

Aud. Cert. 2000130.

ITEM-252: Settlement of the Property Damage Claim of Terry Erickson.

(R-99-1605)

Adopted as Resolution R-291963.

A Resolution approved by the City Council in Closed Session on Tuesday, July 20, 1999, by the following vote: Mathis-yea; Wear-yea; Kehoe-not present; Stevens-not present; Warden-yea; Stallings-yea; McCarty-yea; Vargas-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$65,148.05 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Terry Erickson;

Authorizing the City Auditor and Comptroller to issue two checks: one in the amount of \$50,908.98, made payable to Luth & Turley, Inc. and one made payable to Terry Erickson in the amount of \$14,239.17.

Aud. Cert. 9901354.

ITEM-253: Settlement of the Property Damage Claim of Dr. Irwin Jacobs and Joan Jacobs.

(R-2000-82)

Adopted as Resolution R-291964.

A Resolution approved by the City Council in Closed Session on Tuesday, July 20, 1999, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$85,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage of Dr. Irwin Jacobs and Joan Jacobs;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$85,000 made payable to Dr. Irwin Jacobs and Joan Jacobs, in full settlement of all claims.

Aud. Cert. 9901367.

ITEM-254: Settlement of the Attorney's Fees.

(R-2000-157)

Adopted as Resolution R-292107.

A Resolution approved by the City Council in Closed Session on Tuesday, August 3, 1999, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-not present; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$59,650 in the settlement of attorney's fees against the City of San Diego, its agents and employees, (Superior Court Case No. 730641, Citizens Advocating Redevelopment Excellence (CARE) v. City of San Diego.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$59,650 made payable to Brandt-Hawley and Zoia Trust Account, attorney of record, in full settlement of the attorney fee claim.

Aud. Cert. 2000072.

**ITEM-255: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 7, 2000 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/24/99	165	LAST DATE (10:00 a.m) for public to submit ballot proposals to City Clerk for review by Rules Committee
Monday	10/4/99	155	Rules Committee review
Tuesday	10/26/99	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket

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for the Regular Meeting of Tuesday, September 14, 1999**

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Monday	11/1/99	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/8/99	120	Council adopts propositions for
	through	to	ballot; directs City Attorney to
Tuesday	11/23/99	105	prepare ordinances
Monday	11/29/99	99	Council adopts ordinances prepared by City Attorney
Friday	12/10/99	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	12/23/99	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4060.

ITEM-330: Two actions related to the Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P-99-110. Public Facilities Financing Plan and FBA, FY 2000, June 1999 Draft. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-1587) ADOPTED AS RESOLUTION R-292164

Designating an area of benefit in Carmel Valley; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel; the basis and methodology for assessing and levying

discretionary automatic annual increases in the Facilities Benefit Assessments;  
and ordering the proposed Public Facilities Project in the matter of the Carmel  
Valley Facilities Benefit Assessment Area.

Subitem-B: (R-99-1588) ADOPTED AS RESOLUTION R-292165

Declaring that the assessment fee schedule contained in the Carmel Valley Public  
Facilities Financing Plan, as adopted and approved in Resolution R-292104, is an  
appropriate and applicable Development Impact Fee.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 6/30/99, the LU&H voted 4-0 to approve. (Councilmembers Mathis, Wear, Stevens, and  
McCarty voted yea. Councilmember Vargas not present.)

FILE LOCATION: Subitems A & B: STRT - FB-8-00 (33)

COUNCIL ACTION: (Tape location: B347-C168)

Hearing began at 3:18 p.m. and halted at 3:47 p.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by  
Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,  
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Two actions related to the Mira Mesa Public Facilities Financing Plan and  
Facilities Benefit Assessment.

(See City Manager Report P-99-103. Public Facilities Financing Plan and FBA,  
FY 2000, June 1999 Draft. Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-1591) ADOPTED AS RESOLUTION R-292166

Designating an area of benefit in Mira Mesa; confirming the description of Public  
Facilities Projects, the Community Financing Plan and Capital Improvement

Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-99-1592) ADOPTED AS RESOLUTION R-292167

Declaring that the assessment fee schedule contained in the Mira Mesa Public Facilities Financing Plan, as adopted and approved in Resolution R-292102, is an appropriate and applicable Development Impact Fee.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 6/30/99, the LU&H voted 4-0 to approve. (Councilmembers Mathis, Wear, Stevens, and McCarty voted yea. Councilmember Vargas not present.)

FILE LOCATION: Subitems A & B: STRT - FB-12-00 (33)

COUNCIL ACTION: (Tape location: B347-C168)

Hearing began at 3:18 p.m. and halted at 3:47 p.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Two actions related to Otay Mesa FY 2000 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P99-123; Public Facilities Financing Plan and FBA, Fiscal Year 2000, Draft, July 1999. Otay Mesa Community Area. District-8).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-14) RETURNED TO CITY MANAGER

Approving the document entitled "Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2000".

Subitem-B: (R-2000-15) RETURNED TO CITY MANAGER

Resolution of Intention to designate an area of benefit in Otay Mesa and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 7/21/99, LU&H voted 5-0 to accept the recommendation of the City Manager on consent. (Councilmembers Mathis, Wear, Stevens, McCarty and Vargas voted yea.)

FILE LOCATION: Subitems A & B: STRT - FB-6-00 (33)

COUNCIL ACTION: (Tape location: F193-465.)

Hearing began at 5:51 p.m. and halted at 6:10 p.m.

Testimony in opposition by Roque De La Fuente II.

MOTION BY VARGAS TO RETURN TO THE MANAGER FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: Two actions related to Del Mar Mesa FY 2000 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P99-135; Public Facilities Financing Plan and FBA, Fiscal Year 2000, Draft, July 1999. Del Mar Mesa Community Area. District-1).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-208) ADOPTED AS AMENDED AS RESOLUTION  
R-292168

Approving the document entitled "Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2000".

Subitem-B: (R-2000-209) ADOPTED AS RESOLUTION R-292169

Resolution of Intention to designate an area of benefit in Del Mar Mesa and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 8/4/99, LU&H voted 3-0 to approve the recommendation of the City Manager on consent. (Councilmembers Mathis, Stevens, and Vargas voted yea. Councilmembers Wear and McCarty not present.)

FILE LOCATION: Subitems A & B: STRT - FB-16-00 (33)

COUNCIL ACTION: (Tape location: B347-C168)

Hearing began at 3:18 p.m. and halted at 3:47 p.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS WITH THE AMENDMENT TO SUBITEM A TO INCLUDE THE SUBSTITUTE PAGES TO MAKE THE ASSESSMENT AGREE WITH THE RATES TABLE 3, ON PAGE 45 OF THE DEL MAR MESA PUBLIC FACILITIES FINANCING PLAN AS REQUESTED



BY COUNCIL MEMBER MATHIS. THIS SUBSTITUTION HAS BEEN PROVIDED TO THE CLERK FOR INSERTION INTO THE RECORD AND WILL BE MAILED TO THE AFFECTED PROPERTY OWNERS ALONG WITH THE NOTICE FOR THE SECOND HEARING. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

**ITEM-334: Imperial Marketplace.**

Matter of recommending approval, conditional approval, modification or denial of the Imperial Marketplace to allow a Street Vacation, Tentative Map (TM-96-0338), Southeast San Diego Planned District, Resource Protection Ordinance Permit to subdivide and develop a 42.01 acre site with a community shopping center of approximately 243,427 square feet of retail space including a multiplex movie theater; home improvement center; and other retail uses. The project will also provide flood control improvements to South Los Chollas Creek; site landscaping to create a park-like interface between the retail center and South Los Chollas Creek; dedication and improvement of a north/south street between Imperial Avenue and Ocean View Boulevard; improvements to both Imperial Avenue and Ocean View Boulevard; and other on site improvements. The site is located between Imperial Avenue and Ocean View Boulevard, between 42nd and 45th Streets in the Southeastern San Diego Community Planning area.

(TM/PD/RPO-96-0338. Southeastern San Diego Community Planning Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in Subitem A; adopt the resolution in Subitem B to grant the map and approve the Street Vacations; and adopt the resolution in Subitem C to grant the permit:

Subitem-A: (R-2000-237) ADOPTED AS RESOLUTION R-292170

Adoption of a Resolution certifying that the information contained in Environmental Impact Report (EIR) LDR-96-0338, dated July 22, 1999 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said EIR reflects the independent judgment of the City of San Diego as Lead Agency, adopting the Mitigation, Monitoring, and

Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-581) GRANTED MAP AS AMENDED, ADOPTED AS  
RESOLUTION R-292171

Adoption of a Resolution granting or denying Tentative Map, TM-96-0338 and pursuant to California Government Code section 66499.20½, a portion of Arkhaven Place, Davidjon Road, Edgefield Way, Lauraden Terrace, Sandgate Lane, and San Pasqual Drive located as shown in Tentative Map No.-TM-96-0338, shall be vacated, contingent upon the recordation of the approved final map for the project.

Subitem-C: (R-2000-582) GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-292172

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 5 - 0 to approve; was opposition.

Ayes: Steele, Anderson, Skorepa, Stryker, White  
Abstaining: Butler

The Southeast San Diego Development Committee has recommended approval of the project with conditions, see Report No. P-99-129, attachment 1.

**SUPPORTING INFORMATION:**

Imperial Marketplace proposes a Street Vacation, Tentative Map, Southeast San Diego Planned District, Resource Protection Ordinance Permit to subdivide and develop a 42.01 acre site with a community shopping center of approximately 243,427 square feet of retail space including a multiplex movie theater; home improvement center; and other retail uses. The project is required to provide flood control improvements to South Los Chollas Creek; site landscaping to create a park-like interface between the retail center and South Los Chollas Creek; dedication and

improvement of a north/south street between Imperial Avenue and Ocean View Boulevard; improvements to both Imperial Avenue and Ocean View Boulevard; and other on site improvements. The site is located between Imperial Avenue and Ocean View Boulevard, between 42nd and 45th Streets in the Southeastern San Diego Community Plan area.

The Southeast San Diego Development Committee, voted 11:0:0 on July 26, 1999, to recommend approval with conditions. Additional questions are also included from the Committee meeting. Please refer to Report No. P-99-129, Attachment 1.

At August 5, 1999 Planning Commission hearing the Commission voted to adopt the Staff's recommendation; the recommendations 1,3,4,5,6,7,8, and 9 of the Southeast San Diego Development Committee; rewrite condition 23 of the Tentative Map resolution to indicate a percentage of fair share contribution and indicate the timing; and re-examine an alternative to the retaining wall supporting the levee off-site.

The City staff recommends certification of the Environmental Impact Report LDR No. 96-0338; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the EIR; and approval of the Street Vacations; Tentative Map; and Southeast San Diego Planned District/Resource Protection Ordinance Permit 96-0338 together with the recommendations of the Southeast San Diego Development Committee and the Planning Commission.

**FISCAL IMPACT:** None.

Culbreth-Graft/Haase/JSF

**LEGAL DESCRIPTION:**

The project site is more particularly described as Lot 30, Map No. 9568, Lot 31, Map No. 9615, Lot 151, Map No. 9779, Lot 152 and 195, Map No. 9786, and All of North Creek, Unit 2, map No. 12030.

**FILE LOCATION:** Subitems A, B, & C: PERM - 96-0338 (65)

**COUNCIL ACTION:** (Tape location: F138-184.)

Hearing began at 5:45 p.m. and halted at 5:50 p.m.

MOTION BY STEVENS TO ADOPT THE RESOLUTIONS AS AMENDED, GRANTING THE MAP AND THE PERMIT AND APPROVING THE ALTERNATIVE AS IDENTIFIED IN THE PLANNING REPORT, INCLUDING SEDC'S (SOUTHEAST ECONOMIC DEVELOPMENT CORPORATION) PROPOSAL TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITHOUT A SECURED BOND; TO ADDRESS CONDITIONS 23, 24, AND 25; AND WITH RESPECT TO CONDITION 32A, THE CITY WOULD ASSUME THE MAINTENANCE RESPONSIBILITY FOR LANDSCAPING IN STREET A, LOTS A AND B WITH MONEY TO DO IT OUT OF THE TAX INCREMENT FEES WITH NO IMPACT UPON THE GENERAL FUND. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-335: Seabreeze Farms Development Application.

Matter of recommending approval, conditional approval, modification, or denial for a Carmel Valley Community Plan Amendment, Progress Guide and General Plan Amendment, Carmel Valley Planned District Development Permit, Vesting Tentative Map-96-7919, Resource Protection Ordinance, Carmel Valley Neighborhoods 4, 5, AND 6 Precise Plan Amendment, and Rezone to allow the development of 185 residential dwelling units (147 single family and 38 multiple family units), an equestrian village, and designated 25-acre open space area on a project site totaling 73.3 acres. Located east of Interstate 5 and west of Carmel Valley Road between the proposed State Route 56 and Del Mar Heights Road, within Neighborhood 4 of the Carmel Valley Community Planning area.

(Case CVPDO/CUP/RPO/CPA/RZ/PG&GP/VTM-96-7919. Carmel Valley Community area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in Subitems A and C; adopt the resolution in Subitem E to grant the permit; adopt the resolution in Subitem D to grant the map; and introduce the ordinance in Subitem B:

Subitem-A: (R-2000-253 REV.) ADOPTED AS AMENDED AS RESOLUTION  
R-292173

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration-LDR-96-7919, dated July 13, 1999 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Mitigated Negative Declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081;

and that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, is hereby approved.

Subitem-B: (O-2000-26) INTRODUCED, TO BE ADOPTED SEPTEMBER 27, 1999

Introduction of an Ordinance amending Chapter X, Article 3, Division 6 of the San Diego Municipal Code by amending Section 103.0602 relating to the Carmel Valley Planned District Regulations, Area of Applicability.

Subitem-C: (R-2000-254) ADOPTED AS RESOLUTION R-292174

Adoption of a Resolution amending the Carmel Valley Neighborhood 4, 5, and 6 Precise Plan; the Carmel Valley Community Plan; and the Progress Guide and General Plan.

Subitem-D: (R-2000-594) GRANTED MAP, ADOPTED AS RESOLUTION R-292175

Adoption of a Resolution granting or denying Vesting Tentative Map (VTM-96-7919), with appropriate findings to support Council action.

Subitem-E: (R-2000-595) GRANTED PERMIT, ADOPTED AS RESOLUTION R-292176

Adoption of a Resolution approving Carmel Valley Planned District Development Permit and Resource Protection Ordinance Permit No. 96-7919.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6 - 0 to approve staff's recommendations as outlined in report to the Planning Commission No. P-99-124, as well as the revisions read into the record, with the addition of a condition that the applicant agrees to develop a trail system within his boundaries to link up with the trail system throughout the Community; no opposition.

Ayes: Steele, Anderson, White, Skorepa, Stryker, Butler

The Carmel Valley Community Planning Group has recommended approval of the project: On July 13, 1999 the Group voted 11-0 in favor.

**SUPPORTING INFORMATION:**

This project proposes to develop 29 acres along the eastern portion of the site with 147 single-family units, 2.5 acres at the site's southern tip with 38 multi-family units, an 8.9-acre equestrian village on the northwestern portion of the property and a 25-acre stretch of designated open space along the site's western boundary. Twenty percent (20%) of the residential units would be allocated as affordable housing.

The project is requesting to rezone from A1-10 to MF1, OS and SF2 as described in the Report to the Planning Commission No. P-99-124.

On August 5, 1999, the Planning Commission voted 6-0 to recommend to the City council, the adoption of the City Manager's recommendations with one additional condition on the Vesting Tentative Map (VTM). Condition number 32 has been added to the draft VTM in order to address the Planning Commission recommendation.

There was discussion at the Planning Commission public hearing for the SEABREEZE Farms project from the adjoining developer of the property regarding dedication of right-of-way for the Proposed State Route 56. The right-of-way is being reserved as required by the City of San Diego and Caltrans.

The project site is located east of Interstate 5 and west of Carmel Valley Road between the proposed State route 56 and Del Mar Heights Road, within Neighborhood 4 of the Carmel Valley Community Planning area. The project proposes to allow the development of 185 residential dwelling units (147 single family and 38 multiple family units), an equestrian village, and designated 25-acre open space area on a project site totaling 73.3 acres.

Presently, the site is occupied by an equestrian facility, equestrian trails, and temporary offices. The equestrian facility consists of storage facilities, arenas, and corrals that cover the northeastern portion of the project site. Three other structures are located in the southern portion of the site, two of which are storage sheds for equestrian uses and the third is an office. Informal equestrian trails cross the project site and are also around the site's perimeter joining offsite trails used by other riders within the area. The site is presently accessed by Carmel Valley Road that forms the property's eastern boundary line.

In 1996, the subject property was approved for a phase shift from the Future Urbanizing Area and incorporated into the Carmel Valley Community Plan and Neighborhood 4 Precise Plan by amendments to those land use plans. The adopted land use plans currently designate the 73 acre property for 275 single and multiple family residential units, 8 acres of equestrian area and 25 acres of pasture, trails and open space. The project applicant wishes to keep the same types of uses on the property but, within a different configuration.

Existing land uses surrounding the site primarily include open space and residential uses. Abutting properties to the west, in the Carmel Valley Community, have been built out with single-family residential uses at a density of 2.81 units per acre. To the north and northwest of the site lies vacant land in the FUA that was previously used as a large plant nursery. To the east of the site is agricultural land also in the FUA, currently supporting the production of crops. SR-56 right-of-way borders the project site to the south, beyond which lies another single-family residential development and golf course.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/FZM

**LEGAL DESCRIPTION:**

The project site is located east of Interstate 5 and west of Carmel Valley Road between the proposed State Route 56 and Del Mar Heights Road in the existing A1-10 Agricultural (proposed A1-10, SF2 single family, MF1 multi family and OS open space) of the Neighborhood 4 Precise Plan of the Carmel Valley Community Plan area and is more particularly described as Parcel 2 of Parcel Map 12086.

FILE LOCATION: Subitems A, C, D, & E: LAND - Carmel Valley (10)  
Subitem B: NONE

COUNCIL ACTION: (Tape location: B347-C168)

Hearing began at 3:18 p.m. and halted at 3:47 p.m.

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE, ADOPT THE RESOLUTIONS AND GRANT THE MAP AND PERMIT AMENDING SUBITEM A, CHANGING THE MITIGATION, MONITORING, AND REPORTING PROGRAM, BIOLOGICAL RESOURCES, ITEM 5 FROM \$126,280 TO \$78,925 AS REQUESTED BY COUNCIL MEMBER MATHIS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Torrey Del Mar.

Matter of a Rezone, Planned Residential/Resource Protection Ordinance Permit, a Tentative Map (98-0250) and a Street Vacation within the Torrey Highlands Subarea IV Plan.

(Future Urbanizing Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt Subitem A; adopt Subitems C to grant the permit and D to grant the map and the street vacation; and introduce Subitem B:

Subitem-A: (R-2000-239) ADOPTED AS RESOLUTION R-292177

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0250 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgment of the City



of San Diego as Lead Agency; stating for the record that the final declaration has been reviewed and considered by the Council and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-25) INTRODUCED, TO BE ADOPTED SEPTEMBER 27, 1999

Introduction of an Ordinance for a rezone from A1-10 to R1-8000, R1-5000, R-1500, CN, OS zones.

Subitem-C: (R-2000-461) GRANTED PERMIT AS AMENDED, ADOPTED AS RESOLUTION R-292178

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

Subitem-D: (R-2000-462) GRANTED MAP AS AMENDED, ADOPTED AS RESOLUTION R-292179

Adoption of a Resolution granting or denying the map and the street vacation, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 5-0 to approve.

Ayes: Steele, Anderson, Butler, Skorepa, White  
Not present: Stryker

There is no officially recognized community planning group for the Torrey Highlands Subarea Planning Area.

On November 4, 1998, the Rancho Peñasquitos Planning Board voted 11-0 to recommend approval of the project.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed TM/PRD/RPO Permit would allow for the construction of 320 single family dwellings, 112 multiple family (affordable) units and related open space lots on a 176 acre site located in the Torrey Highlands Subarea IV Plan. Access to the site will be from Carmel Valley

Road (formally unpaved Black Mountain Road). The rezone from A1-10 to R1-8000, R1-5000, R-1500, CN, and OS is being proposed to reflect a zoning designation that is consistent with the General Plan and the Torrey Highland Subarea Plan and that provides development regulations that are appropriate for the proposed use. As part of the adoption of the Torrey Highland Subarea IV Plan, a comprehensive Environmental Impact Report was prepared and Certified. Site specific environmental studies concluded that with the adoption of the Mitigation Monitoring and Reporting Program, all identified potential environmental impacts resulting from the proposed project could be mitigated.

Culbreth-Graft/Haase/Gentles

**FISCAL IMPACT:**

None.

**LEGAL DESCRIPTION:**

The project site is located north and south of future Carmel Valley Road, just east of Via Abertura and west of Camino Ruiz, in the Torrey Highlands community and is more particularly described as Portion of Parcel 4 of Parcel Map No.9371; Parcel 1 of Parcel Map 12027; Parcel 1,2,3 and a portion of 4 of Parcel Map 9371; Parcel 1 of Parcel Map 14768; Parcel 3 of Parcel Map 8133.

**FILE LOCATION:** Subitems A, C, & D: PERM - 98-0250 (65)  
Subitem B: NONE

**COUNCIL ACTION:** (Tape location: B347-C168)

Hearing began at 3:18 p.m. and halted at 3:47 p.m.

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND  
ADOPT THE RESOLUTIONS, GRANTING THE PERMIT AND MAP WITH THE  
FOLLOWING AMENDMENTS AS REQUESTED BY COUNCIL MEMBER MATHIS:

1. CHANGE CONDITION 11 OF THE PRD/RPO FOR UNIT 1, NORTH OF CARMEL VALLEY ROAD TO ALLOW FOR A SEGMENT OF THE DEVELOPMENT TO BE A GATED COMMUNITY WHICH STAFF FINDS CONSISTENT WITH COUNCIL POLICY 600-42;
2. MAKE ALL SIDEWALKS CONTIGUOUS WHERE FEASIBLE;

3. CHANGE THE DESIGN OF THE PEDESTRIAN CONNECTION BETWEEN THE AFFORDABLE HOUSING SITE AND RETAIL BUILDINGS AS SHOWN IN THE HANDOUT PROVIDED TO COUNCILMEMBERS;

4. CHANGE CONDITION 19, ATTACHMENT 6 TO READ AS FOLLOWS: "A PORTION OF THE ALTERNATE ALIGNMENT OF STATE ROUTE 56 IS LOCATED WITHIN THE PROJECT. IF THE FREEWAY CONSTRUCTION STARTS BEFORE THE DEVELOPMENT, THE SUBDIVIDER SHALL GRANT PERMISSION TO GRADE FOR THE CONSTRUCTION OF THE FREEWAYS SATISFACTORY TO CALTRANS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Increase of Monthly Tiedown Fees at Montgomery Field Airport.

Matter of an appeal by James Aldrich and Bruce Ellis in opposition to the recent increase of monthly tiedown fees at Montgomery Field Airport.

(See City Manager Report CMR-99-173. Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION**

Deny the appeal and affirm the fee increase.

**TODAY'S ACTION IS:**

Adopt **either** Subitem-A denying the appeal **or** Subitem-B granting the appeal:

Subitem-A: (R-2000-275 REV. Cor. Copy 1)	ADOPTED AS AMENDED AS RESOLUTION R-292180
--	--

Resolution denying appeal of Montgomery Field Airport Tiedown Fee increases.

**OR**

Subitem-B: (R-2000-276) FILED

Resolution granting appeal of Montgomery Field Airport Tiedown Fee increases.

**SUPPORTING INFORMATION:**

The appeal is being requested in opposition to the recent increase of monthly tiedown fees at Montgomery Field Airport. The City of San Diego Administrative Regulation No.95.25 provides for an annual review of the fees and charges that the City departments may administer to recover the cost of providing services. The Airports Division has completed this review and has been authorized to increase the monthly tiedown fees charged by the airport.

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: F581-G165.)

Motion by Warden to uphold the appeal with direction to the Manager to provide a multi-year financing plan. Second by McCarty. No vote.

SUBSTITUTE MOTION BY MATHIS TO ADOPT THE RESOLUTION AS AMENDED DENYING THE APPEAL AND AFFIRMING THE FEE INCREASE WITH HALF THIS YEAR AND THE OTHER HALF NEXT YEAR; AND TO DIRECT THE MANAGER TO LOOK AT A MULTI-YEAR FINANCING PLAN AND ALSO TO LOOK AT TURNING THE TIEDOWN SPACES OVER TO THE FBO'S (FIXED BASED OPERATORS) INSTEAD OF DOING IT AS A CITY. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-not present, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-338: One-Year Extension of the Centre City Project Area Committee.

(See memorandum from CCDC dated 8/7/99. Centre City Redevelopment Project. Districts-2, 3 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-215) ADOPTED AS RESOLUTION R-292181

Authorizing the extension of the Centre City Project Area Committee for one year from October 1999 to October 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: Boston Avenue LLC - Second Amendment to Agency Loan and Housing Development Agreement with Boston Village.

(See SEDC Report No. 99-015.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-124) ADOPTED AS RESOLUTION R-292182

Approving the use of the Southcrest Redevelopment Project Low and Moderate Income Housing Fund to finance landscape work at the Boston Village Housing Development in the Southcrest Redevelopment Project Area.

**NOTE:** See the Redevelopment Agency Agenda of 9/14/99 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340: Consenting to a Joint Public Hearing on Proposed First Hotel Amendment to Redevelopment Plan.

(See memorandum from CCDC dated 8/16/99. Centre City Redevelopment Project (East Village). District-8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-218) ADOPTED AS RESOLUTION R-292183

Consenting to a joint public hearing on the proposed First Hotel Amendment to the Redevelopment Plan for the Centre City Redevelopment Project;

Establishing the date, time and place for a hearing.

**NOTE:** See the Redevelopment Agency Agenda of 9/14/99 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: Request to Bid Demolition of On-Site and Off-Site Improvements and Construction of Parking Lots on Three Sites.

(See memorandum from CCDC dated 8/6/99. Centre City Redevelopment Project (East Village). Districts 2 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-217) ADOPTED AS RESOLUTION R-292184

Making certain findings with respect to the payments for demolition of on-site and off-site improvements and construction of parking lots on three sites in the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area.

**NOTE:** See the Redevelopment Agency Agenda of 9/14/99 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342: Ordinance Approving a Parking Structure Operating Agreement and Parking Management Agreement.

(See memorandum from CCDC dated 8/26/99. Centre City Redevelopment Project (East Village). District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-24) INTRODUCED, TO BE ADOPTED SEPTEMBER 27, 1999

Introduction of an Ordinance authorizing the City Manager to execute a not to exceed 28 year Operating Agreement with the Redevelopment Agency of the City of San Diego and a not to exceed 15 year Parking Management Agreement with Ace Parking Management, Inc.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343: City Heights Project Area Committee Formation Procedures.

(See City Manager Report CMR-99-171. Mid-City - City Heights, Normal Heights and Kensington-Talmadge Community Areas. Districts-3, 4, and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-216 Cor. Copy) ADOPTED AS AMENDED AS RESOLUTION  
R-292185



Calling upon the residents, business owners, and existing community organizations in the City Heights Redevelopment Project area to form a project area committee in accordance with the Law;

Adopting as the procedure for the formation of the project area committee, the "Procedure for Formation of Project Area Committee for the City Heights Redevelopment Project".

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B347-C168)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED ADDING TWO RESERVED SEATS: ONE FOR SAN DIEGO ADVOCATES FOR YOUTH; AND ONE FOR MID-CITY FOR YOUTH AS REQUESTED BY COUNCIL MEMBER KEHOE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-344: Taxicab Task Force's Recommendations.

(See City Manager Report CMR-99-83.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2000-234) CONTINUED TO SEPTEMBER 28, 1999,  
3:00 P.M. TIME CERTAIN

Authorizing the City Manager as follow: 1) to increase the number of taxicab permits to 1,020; 2) to use a lottery process to equitably distribute all new taxicab permits; 3) to allow a three year period from the issuance of the first new taxicab permits to evaluate whether changes in regulations are warranted for: satisfaction of level of service, increased competition, high value of permits, service to the disabled, and short trips and services to the elderly.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 4/26/99, Rules voted 5-0 to issue the ADA accessible permits (Class II) as recommended by the Task Force with 15 this year and 15 next year; refer all other issues of the Task Force recommendation to the City Council and allow for an opinion by the City Attorney on the allocation of permits to specific companies. (Councilmembers Mathis, Wear, Warden, Vargas and Mayor Golding voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

At the September 14, 1998, Rules Committee meeting, it was recommended that a Taxicab Task Force be formed to review the City's current taxi policy and develop a recommendation on the number of taxicabs needed to provide quality taxi service in San Diego. The Task Force makes several recommendations that are described in detail in the attached report.

The primary recommendation by the Task Force is to increase the number of taxicab permits from 870 to 1,020, and to issue the new permits over a two-year period (75 per year) under three categories:

- ! Class I - 40 permits to: West Coast Cab, Star Cab, Ethio Star Cab, and Personalized Transportation, Incorporated (10 permits each)
- ! Class II - 15 permits to qualified applicants providing wheelchair accessible vehicles, via a lottery process.
- ! Class III - 20 permits to qualified applicants without wheelchair accessible vehicles, via a lottery process.

To provide for equitable distribution of taxicab permits, it is recommended that each year, one lottery be held for the distribution of the 15 permits requiring wheelchair accessibility, and another lottery be held for the other 60 permits. This recommendation departs from the recommendation made by the Taxicab Task Force.

While the efforts of these four taxicab organizations: West Coast Cab, Star Cab, Ethio Star Cab, and Personalized Transportation, Incorporated, are acknowledged, allocation of 80 permits to these organizations merely on the basis of demonstrating their persistency, may be construed as preferential treatment. This is further aggravated by the fact that there were no criteria

established for persistency. Additionally, considering the many avenues people have to claim that they were persistent in requesting taxicab permits, it would be impractical to verify such claims. Therefore, to ensure that new permits are distributed in an equitable fashion, a lottery process should be used to issue all new taxicab permits.

**FISCAL IMPACT:**

None at this time.

Loveland/Gonzalez/AH

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F485-571.)

MOTION BY COMMON CONSENT TO CONTINUE TO SEPTEMBER 28, 1999, 3:00 P.M. TIME CERTAIN AS REQUESTED BY MAYOR GOLDING DUE TO LACK OF TIME. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

**NON-DOCKET ITEMS:**

None.

**CLOSED SESSION ACTION:**

ITEM-CS-1: (R-2000-257) ADOPTED AS RESOLUTION R-292109

A Resolution adopted by the City Council in Closed Session on September 14, 1999:

Authorizing the City Manager to pay the sum of \$27,501 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal injury claim of Chinh Nguyen, et al.; authorizing the City Auditor and Comptroller to issue five checks, (1) made payable to Tam Thi Do and her Attorney of Record Kim Newbrough in the amount of \$6,900.00, (2) made payable to Thu Kim Nguyen and her Attorney of Record Kim Newbrough in the amount of \$5,757.00, (3) made payable to Thu Kim Nguyen, as parent and and natural guardian of Alina Truc

Nguyen, a minor, and their Attorney of Record Kim Newbrough in the amount of \$2,216.00, (4) made payable to Thu Kim Nguyen, as parent and natural guardian of Alisa Tran Nguyen, a minor, and their Attorney of Record Kim Newbrough in the amount of \$770.00, (5) made payable to Chin Thuy Nguyen and her Attorney of Record Kim Newbrough in the amount of \$11,858.00, in full settlement of all claims.

Aud. Cert. 2000237

FILE LOCATION: MEET

**ITEM-CS-2: (R-2000-404) ADOPTED AS RESOLUTION R-292298**

A Resolution adopted by the City Council in Closed Session on September 14, 1999:

Authorizing the City Manager to enter into a settlement agreement between the City of San Diego, the Redevelopment Agency of the City of San Diego, the Centre City Development Corporation, the San Diego Padres, the National Trust for Historic Preservation, and the Save our Heritage Organization, pertaining to the preservation and adaptive reuse of certain historic structures in the Centre City East Redevelopment Area.

FILE LOCATION: MEET

**ADJOURNMENT:**

The meeting was adjourned by Mayor Golding at 6:44 p.m. in honor of the memory of:

Congressman Bob Wilson as requested by Mayor Golding and Deputy Mayor Wear;

Jean Jessop Hervey-MacDonald and Lance Atkins as requested by Deputy Mayor Wear; and

Anthony Anewalt as requested by Council Member Warden.

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FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: G278-346).